

EXHIBIT

57

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4 IN RE NATIONAL PRESCRIPTION)
 OPIATE LITIGATION)
) MDL No. 2804
)
5 This Document Relates To:) Case No. 17-md-2804
 Track Nine: Tarrant County,)
6 Texas)
)
7 (Case No. 1:18-op-45274-DAP))
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11 REMOTE VIDEOTAPED DEPOSITION OF
12 TRACE McDONALD
13 JUNE 28, 2023
14 10:01 a.m. CDT

15

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17 Witness Appearing From:
18 Fort Worth, Texas

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24 Conducted Remotely Via Videoconference

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<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: Good morning, everyone.</p> <p>3 Current time is 10:01 a.m., June 28th, 2023. This</p> <p>4 is Media Unit 1 of the recorded deposition of Trace</p> <p>5 McDonald, Case No. 18-op-45274. My name is</p> <p>6 Christopher Archie representing Veritext and I'm the</p> <p>7 videographer. The court reporter is Karen Shelton</p> <p>8 from the firm Veritext.</p> <p>9 Counsel and all present will now state</p> <p>10 their appearances and affiliations for the record</p> <p>11 beginning with the noticing attorney.</p> <p>12 MS. JACOBS: Good morning. My name is</p> <p>13 Diana Leigh Jacobs. I am an attorney at Bowles Rice</p> <p>14 representing the Kroger defendants.</p> <p>15 MS. ABSTON: And I'm Alex Abston. I'm</p> <p>16 with the Lanier Law Firm and I'm here on behalf of</p> <p>17 the plaintiffs and Tarrant County. And we also have</p> <p>18 Sadie Turner on from the Lanier Law Firm as well.</p> <p>19 MR. KRATOVIL: My name is Mark Kratovil.</p> <p>20 I'm with the Tarrant County Criminal District</p> <p>21 Attorney's office in the civil division, and we</p> <p>22 serve as counsel to the Tarrant County Sheriff's</p> <p>23 Department.</p> <p>24 MS. STEWART: And my name is Allison</p> <p>25 Stewart. I'm an attorney at Greenberg Traurig</p>	<p style="text-align: right;">Page 8</p> <p>1 second screen with some documents, and then I have</p> <p>2 papers in front of me. So if you see me looking</p> <p>3 around and not always looking at you, that is --</p> <p>4 that's the reason why.</p> <p>5 We will take some breaks, but if at any</p> <p>6 time you need a break when I haven't suggested one,</p> <p>7 just let me know and we will go ahead and take a</p> <p>8 break.</p> <p>9 So, with that, can you introduce yourself</p> <p>10 with your full name.</p> <p>11 A. Yes, ma'am. My name is Clarence Henry</p> <p>12 McDonald, III. I'm more commonly known as Trace</p> <p>13 because of the "third."</p> <p>14 Q. Okay. And where do you currently live?</p> <p>15 A. I live in Bedford, Texas.</p> <p>16 Q. And is that in Tarrant County?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And how long have you lived in Tarrant</p> <p>19 County?</p> <p>20 A. Over 13 years.</p> <p>21 Q. And how old are you today?</p> <p>22 A. 54.</p> <p>23 Q. Where did you live -- you don't have to</p> <p>24 give me all the addresses, but before living in</p> <p>25 Tarrant County, where did you live?</p>
<p style="text-align: right;">Page 7</p> <p>1 representing the Albertsons defendants.</p> <p>2 THE VIDEOGRAPHER: Madam Court Reporter,</p> <p>3 you can swear in the witness, and counsel may</p> <p>4 proceed.</p> <p>5 THE REPORTER: And I am reporting this</p> <p>6 deposition remotely from Fort Worth, Texas, and the</p> <p>7 witness is also located in Fort Worth, Texas.</p> <p>8 (The witness was sworn by the reporter.)</p> <p>9 TRACE MCDONALD,</p> <p>10 having been first duly sworn, testified as follows:</p> <p>11 EXAMINATION</p> <p>12 BY MS. JACOBS:</p> <p>13 Q. Okay. Good morning. Do you go by</p> <p>14 Commander McDonald?</p> <p>15 A. I prefer Trace.</p> <p>16 Q. Trace. Okay. Thank you. As you heard me</p> <p>17 say off the record, my name is Diana Jacobs and I</p> <p>18 represent the Kroger defendants and I will be asking</p> <p>19 you most of the questions this morning.</p> <p>20 I -- as you know, we're doing this</p> <p>21 deposition remotely. And we have gotten pretty good</p> <p>22 at doing these over the last couple years this way,</p> <p>23 but sometimes things do go awry, so be patient.</p> <p>24 And I will also tell you I have in front</p> <p>25 of me you on a screen in front of me. I have a</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Prior to coming to Tarrant County, I was a</p> <p>2 Texas Ranger stationed in Athens, Texas.</p> <p>3 Q. Okay. So is it fair to say you've lived</p> <p>4 in Tarrant County since about 2010?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. All right. And prior to 2010, had you</p> <p>7 ever lived in Tarrant County?</p> <p>8 A. I did. I lived in Tarrant County in the</p> <p>9 early Nineties whenever I worked for the Weatherford</p> <p>10 Police Department.</p> <p>11 Q. All right. And do you have any plans in</p> <p>12 the near future to move out of Tarrant County, or</p> <p>13 are you going to stay put for a while?</p> <p>14 A. I'm absolutely staying.</p> <p>15 Q. All right. Now, is there any reason that</p> <p>16 you cannot testify truthfully today?</p> <p>17 A. No.</p> <p>18 Q. Have you ever been deposed or testified in</p> <p>19 court before?</p> <p>20 A. I have. Only one deposition that I can</p> <p>21 recall. It was -- I was a state trooper and it was</p> <p>22 a -- do you want to know the details or just a</p> <p>23 "yes"? I'm sorry.</p> <p>24 Q. A "yes" you can start with is fine, and</p> <p>25 then I was going to follow up and ask was that a</p>

<p style="text-align: right;">Page 10</p> <p>1 civil or a criminal matter.</p> <p>2 A. Civil.</p> <p>3 Q. Okay. And just briefly, what was the</p> <p>4 nature of that?</p> <p>5 A. Some guardrail didn't function properly</p> <p>6 and it was a suit against the manufacturer of the</p> <p>7 guardrail.</p> <p>8 Q. Okay. And then I assume with your long</p> <p>9 career in law enforcement, you have probably</p> <p>10 testified in court before, correct?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. How many times, if you know?</p> <p>13 A. Dozens, but it's been awhile, believe it</p> <p>14 or not.</p> <p>15 Q. All right. When, approximately, is the</p> <p>16 last time you've testified in court?</p> <p>17 A. It was a capital murder trial in Central</p> <p>18 Texas. I don't remember the date, but I was</p> <p>19 obviously still a Ranger.</p> <p>20 Q. Okay. Have you ever given any testimony</p> <p>21 in court in connection with prescription drug</p> <p>22 diversion?</p> <p>23 A. Not that I can recall.</p> <p>24 Q. Have you ever been asked to testify as an</p> <p>25 expert witness?</p>	<p style="text-align: right;">Page 12</p> <p>1 take breaks approximately every hour or so. But if</p> <p>2 at any time you need a break, just let me know and</p> <p>3 as long as there's not a question pending, I'll be</p> <p>4 happy to accommodate that. Okay?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. All right. Are you represented by an</p> <p>7 attorney today?</p> <p>8 A. Yes.</p> <p>9 Q. All right. And can you tell me his name?</p> <p>10 A. Mr. Mark. I'm not going to butcher his</p> <p>11 last name.</p> <p>12 Q. Okay. I think I heard it earlier and it</p> <p>13 will be on the record.</p> <p>14 Have you met with any lawyers in</p> <p>15 preparation for your deposition today?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And would that be Mark or anyone</p> <p>18 else?</p> <p>19 MS. ABSTON: And, Trace, I'm going to</p> <p>20 remind you that this is covered by attorney-client</p> <p>21 privilege, but you can speak to her about some of</p> <p>22 the questions that she's asking about without giving</p> <p>23 details of the conversations. So you can answer.</p> <p>24 A. Yes, we met for about an hour last Friday</p> <p>25 and we met for about an hour this Monday.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. No.</p> <p>2 Q. Okay. Well, since you have only done one</p> <p>3 deposition and it's been awhile since you've</p> <p>4 testified in court, let me just remind you of a few</p> <p>5 things and hopefully we'll get through this smoothly</p> <p>6 here today.</p> <p>7 As I mentioned, I'll probably be asking</p> <p>8 you most of the questions today. You may hear some</p> <p>9 objections at times. And unless you are</p> <p>10 specifically instructed not to answer for some</p> <p>11 reason, you can still go ahead and answer the</p> <p>12 question.</p> <p>13 As you know, we're all in different</p> <p>14 locations which sometimes makes it a little</p> <p>15 difficult. It seems like we're pretty good with no</p> <p>16 lag time here, but just make sure you wait until I'm</p> <p>17 done with my question even if you can anticipate</p> <p>18 what the rest of the question is before you answer</p> <p>19 so that the court reporter can get everything down.</p> <p>20 Sometimes I ask questions that may not</p> <p>21 make sense. It's not intentional. But if you don't</p> <p>22 understand a question for whatever reason or just</p> <p>23 don't hear it all, just let me know and I will</p> <p>24 repeat it or rephrase it so we're on the same page.</p> <p>25 And as I mentioned before, we'll probably</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. And you say "they." Who did you</p> <p>2 meet with?</p> <p>3 A. Alex and some other folks that I can't</p> <p>4 begin to -- I can see her name now. Sadie and some</p> <p>5 other folks.</p> <p>6 Q. Okay. So it sounds like you met for two</p> <p>7 times for approximately a couple hours total?</p> <p>8 A. Correct. Yes, ma'am.</p> <p>9 Q. All right. Did you review any documents</p> <p>10 in those meetings?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Have you on your own reviewed any</p> <p>13 documents to prepare for your deposition today?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Other than speaking to the lawyers -- and</p> <p>16 obviously I'm not asking about those</p> <p>17 conversations -- have you talked to anyone else</p> <p>18 about your deposition today?</p> <p>19 A. My wife.</p> <p>20 Q. Okay. I assume just to tell her you were</p> <p>21 coming to a deposition?</p> <p>22 A. Yes.</p> <p>23 Q. So we are here today to talk about -- you</p> <p>24 are a witness in a case that Tarrant County has</p> <p>25 filed against Kroger and other pharmacies alleging</p>

<p style="text-align: right;">Page 14</p> <p>1 that the pharmacies have contributed to the opioid 2 crisis. Have you seen that complaint? 3 A. I don't recall seeing it. 4 Q. And have you ever reviewed any deposition 5 transcripts that have previously been taken in this 6 case? 7 A. No, ma'am. 8 Q. Okay. Are you familiar with who the 9 defendants are in this case? 10 A. Vaguely. You just -- I knew it was some 11 pharmacies, but I guess you said Kroger and 12 whichever other one you said. 13 Q. Okay. But otherwise, you don't have any 14 information about the pleading, the complaint that's 15 been filed in this case. Is that correct? 16 A. No, ma'am. I knew -- I did have some 17 general knowledge that it was going on, you know, 18 for the last year or so or however long it's been, 19 but I have no details. 20 Q. All right. And other than the documents 21 that I just asked Alex to open for you, do you have 22 anything with you today to use during your 23 deposition? 24 A. I do not. 25 Q. All right. Okay. I just want to start,</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. All right. And then did you immediately 2 thereafter go to the Department of Public Safety's 3 academy? 4 A. No, ma'am. I started -- they had a hiring 5 freeze, and so I went to put myself through an 6 academy and went to work for the Weatherford Police 7 Department for approximately four years before going 8 to DPS. 9 MS. JACOBS: Okay. And I will let you 10 know that as part of your current employment, I was 11 provided with a personnel file, and it actually has 12 a job application in there that I'm going to kind of 13 use as a guide to walk through your past employment 14 since. 15 So if the concierge and Alex, if you want 16 to give him the notebook if he doesn't have it 17 already there. It should be Tab 34 in the notebook. 18 So, Alex, it'll be something that came yesterday 19 later. And we'll go ahead and mark that as 20 Exhibit 1. 21 (Exhibit 1 marked) 22 MS. ABSTON: Okay. And we're going to 23 object to marking this as an exhibit as it's not 24 relevant to the current lawsuit and Tarrant County's 25 opioid crisis. So we'll have a standing objection</p>
<p style="text-align: right;">Page 15</p> <p>1 I'm going to ask you a little bit, can you tell me 2 about your educational background. 3 A. Yes, ma'am. Just obviously high school 4 and two years of college. 5 Q. Where did you go to college? 6 A. Weatherford Junior College. 7 Q. Did you receive any degrees or 8 certifications? 9 A. No, ma'am. I got 63 hours and I just 10 needed 60 hours to go to the DPS academy, and that 11 was my goal. 12 Q. Okay. And when you say "DPS," what are 13 you referring to? 14 A. The Texas Department of Public Safety. 15 Q. So in Texas, the Department of Public 16 Safety requires you to have some college education 17 before entering? Is that correct? 18 A. They did -- they did then. I'm not 19 exactly sure what their requirements are now. 20 Q. So what -- what year did you -- what years 21 did you attend college? 22 A. I graduated in '87. I went to -- I'm 23 having to think this through. Went to work full 24 time in '92, so somewhere between '87 and '92 I put 25 together the 63 hours.</p>	<p style="text-align: right;">Page 17</p> <p>1 to this line of questioning. 2 MS. JACOBS: I understand. And just to 3 let you know, Alex, we -- I waited yesterday to send 4 this over to you because I was hoping to get the 5 Bates-numbered copy. So this is not Bates numbered 6 because I don't think we ever got a Bates-numbered 7 copy from your office, so -- 8 MS. ABSTON: Okay. I think we did, but we 9 can talk about it off the record. 10 MS. JACOBS: Yeah, that's fine. 11 MS. ABSTON: I'm trying to find it really 12 quick. I want to make sure -- 13 MS. JACOBS: Sure. 14 MS. ABSTON: Exhibit 33, but I want to 15 make sure. Oh, here we go. You said Exhibit 34? 16 MS. JACOBS: Yes. And Trace and the 17 concierge, if you can scroll -- again, I don't have 18 pages. It's not Bates numbered. It's about halfway 19 through maybe, and at the very top it says, 20 "Commander Narcotics Sheriff Contact Information." 21 You can quickly tell it's basically a job 22 application. 23 MS. ABSTON: Okay. We'll look through and 24 find it. 25 THE WITNESS: What's it look like? Now, I</p>

<p style="text-align: right;">Page 18</p> <p>1 will apologize. I'm using borrowed readers because 2 I left mine in the truck, so this -- when we break 3 later, I'll go get my own glasses. 4 MS. JACOBS: Okay. We're not there yet. 5 The concierge is still looking for it. 6 THE WITNESS: The new hire checklist, that 7 one? 8 MS. JACOBS: No. Almost there. Okay. 9 There. Concierge, you can stop. 10 MS. ABSTON: I'm going to give it to the 11 witness. I'll represent that this is the part of 12 the document that you're talking about. 13 MS. JACOBS: That's fine. 14 MS. ABSTON: I'll just trade with him real 15 quick. Hold on. 16 THE WITNESS: This is going to be 17 miserable. 18 MS. ABSTON: Do you want to take a break 19 and go get them? 20 THE WITNESS: No, I'll try. I'm going to 21 try. But if it gets -- 22 MS. ABSTON: Okay. If it gets too bad 23 with the readers, we might have to take a short 24 break and grab them from the car. Does that sound 25 okay?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Yes, ma'am. 2 Q. All right. The duties say, "Worked 3 routine patrol, answered calls for service, 4 investigated traffic accidents, conducted 5 preliminary investigations, and prepared reports to 6 document those findings." 7 Does that accurately summarize your duties 8 over those four-plus years? 9 A. Yes. 10 Q. What county were you working in? 11 A. Parker. 12 Q. I'm sorry. What was that? 13 A. Parker County. 14 Q. As in a "B"? 15 A. P-A-R-K-E-R. It's next door to Tarrant 16 County. 17 Q. Okay. Yes. And forgive me. I've looked 18 at the map, but I live in Columbus, Ohio, so I'm a 19 good ways away from Texas. I'm not familiar with 20 all the counties. 21 A. Lucky you right now. It's hot. 22 Q. Yeah. Was any of your work over this 23 period of time devoted to addressing controlled 24 substances? 25 A. Only if we came across them in a traffic</p>
<p style="text-align: right;">Page 19</p> <p>1 MS. JACOBS: Sure. I think we can 2 probably get through the first section here, and 3 this is really the only exhibit I have for a while, 4 and then we can take a break and he can go grab 5 those. 6 MS. ABSTON: Okay. Great. 7 THE WITNESS: Okay. 8 MS. ABSTON: I think the witness should 9 have that in front of him right now. 10 MS. JACOBS: Okay. 11 BY MS. JACOBS: 12 Q. All right. Trace, I wanted to just use 13 this. This was really helpful as far as giving us a 14 timeline on your past employment. 15 A. Okay. 16 Q. And if you want to look down, I'm just 17 going to start with where it says you worked as 18 police officer from May of '92 to February of '96. 19 A. Yes, ma'am, uh-huh. 20 Q. Okay. And I think that's what you just 21 mentioned a moment ago. Is that the job that you 22 went to when DPS had a hiring freeze? 23 A. Yes. 24 Q. All right. And looks like you were there 25 for just under four years?</p>	<p style="text-align: right;">Page 21</p> <p>1 stop. 2 Q. All right. Okay. Next move up there, it 3 looks like trooper, August of '96 to June of 2003. 4 And looks like you had a gap in time after serving 5 as a police officer. Would this be when you went to 6 the academy? 7 A. Correct. 8 Q. And how long was that academy? 9 A. Six months. 10 Q. Okay. And again, I'm looking at the 11 duties. It says, "Conducted traffic enforcement, 12 investigated traffic accidents, worked criminal 13 interdiction, located, arrested felony and 14 misdemeanor fugitives and offenders. Served as a 15 K-9 narcotics detection trooper and became a DPS K-9 16 instructor." 17 Does that accurately summarize your duties 18 while you worked as a trooper? 19 A. Yes, ma'am. 20 Q. All right. And were you assigned to any 21 particular county? 22 A. Yes, ma'am, the same county, Parker. 23 Q. Now, it mentions that you worked as a K-9 24 trooper. So did you have a K-9 unit assigned to 25 you?</p>

<p style="text-align: right;">Page 22</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. And did you have a K-9 assigned to you the</p> <p>3 entire time that you worked as a trooper?</p> <p>4 A. No, ma'am.</p> <p>5 Q. How long were you a K-9 officer?</p> <p>6 A. I believe I went to K-9 school in '99, and</p> <p>7 I had a dog until I promoted to narcotics in 2003.</p> <p>8 Q. Okay. So with a K-9, were you</p> <p>9 specifically called out to address traffic stops and</p> <p>10 other situations where narcotics were suspected to</p> <p>11 be involved?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. All right. And during the course of that</p> <p>14 work, do you recall any instances where you dealt</p> <p>15 with prescription opioids?</p> <p>16 A. I don't.</p> <p>17 Q. It says that you also served as a K-9</p> <p>18 instructor. Is that correct?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Okay. Did that require some separate</p> <p>21 education?</p> <p>22 A. It -- you just go back down and assist</p> <p>23 putting on the same ten-week school that you go</p> <p>24 through to train the dogs, to learn how to be a</p> <p>25 handler yourself. You go down and actually -- well,</p>	<p style="text-align: right;">Page 24</p> <p>1 great.</p> <p>2 Q. Okay. I'll let him do that.</p> <p>3 So while -- I think I heard you a moment</p> <p>4 ago say that you were -- that you were promoted to</p> <p>5 this position?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. All right. And it says that -- under</p> <p>8 "Duties" it says, "Worked as a narcotics</p> <p>9 investigator for 11 months. Conducted overt and</p> <p>10 covert drug investigations which resulted in the</p> <p>11 seizure of illegal narcotics and the arrest of</p> <p>12 numerous drug suppliers. I also conducted numerous</p> <p>13 diversion of prescription drug investigations."</p> <p>14 Okay. So is that an accurate summary of</p> <p>15 the duties that you performed while you were working</p> <p>16 as a sergeant investigator?</p> <p>17 A. Yes.</p> <p>18 Q. Did you have any specialized training for</p> <p>19 this position?</p> <p>20 A. You know, they didn't send me to any --</p> <p>21 they might have sent me to search and seizure. I</p> <p>22 can't remember. But, no, they knew that I was also</p> <p>23 on the list to become a Texas Ranger, and so they</p> <p>24 want -- they weren't going to invest any money in me</p> <p>25 to send me to any of the fun schools. So they</p>
<p style="text-align: right;">Page 23</p> <p>1 it's a little longer than that.</p> <p>2 You go down for about two weeks prior to</p> <p>3 the school to do some pre-training on the dogs, and</p> <p>4 then the handlers show up and you go through the</p> <p>5 ten-week course with the handlers. You do that a</p> <p>6 couple of times with seasoned instructors, and then</p> <p>7 it's your turn to do your own school. And I</p> <p>8 promoted before that happened.</p> <p>9 Q. Okay. Was all of your training to be a</p> <p>10 K-9 instructor and also to be potentially a -- or</p> <p>11 I'm sorry, to be a K-9 officer and to be a potential</p> <p>12 K-9 instructor, did that all take place in Texas?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Okay. And was that at the DPS academy?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Where is that located?</p> <p>17 A. Austin.</p> <p>18 Q. Austin. All right.</p> <p>19 Okay. Next on your jobs there, it looks</p> <p>20 like you went to be a sergeant investigator from</p> <p>21 June of 2003 to May of 2004. Do you see that?</p> <p>22 A. I don't actually see it, but it's true.</p> <p>23 Q. Okay. Maybe on the screen they can put</p> <p>24 it a little bit --</p> <p>25 A. If he makes it big, I can see it up there</p>	<p style="text-align: right;">Page 25</p> <p>1 assigned me to do the diversion cases because that's</p> <p>2 something that most people don't really like to do,</p> <p>3 but it's a clean investigation and gave me good</p> <p>4 practice on, you know, interviewing people and</p> <p>5 things like that.</p> <p>6 Q. Okay. What county or counties were you</p> <p>7 working in while you were performing this job?</p> <p>8 A. So that gets a little more difficult. So</p> <p>9 give me a second to explain that. My duty station</p> <p>10 was actually Decatur, which is Wise County. But</p> <p>11 because I was a rookie, I spent most of my time in</p> <p>12 Mineral Wells, which is in Palo Pinto County.</p> <p>13 Q. Palo Pinnock County?</p> <p>14 A. P-A-L-O, and then another word, Pinto,</p> <p>15 like the bean, P-I-N-T-O.</p> <p>16 Q. Okay.</p> <p>17 A. But during the course of that time, I</p> <p>18 worked Parker, Wise, Palo Pinto, and Tarrant.</p> <p>19 Q. Okay. Did you yourself spend any</p> <p>20 significant amount of time working under cover?</p> <p>21 A. Not really. I mean, I did do some buys</p> <p>22 and whatnot and some CI buys but not a whole lot.</p> <p>23 Most of it was doing the pill cases.</p> <p>24 Q. When you were working under cover doing</p> <p>25 buys or CI buys, do you remember what illegal</p>

<p style="text-align: right;">Page 26</p> <p>1 narcotics were being targeted?</p> <p>2 A. Meth mainly. That's all I can remember</p> <p>3 buying. It's been obviously a long time since I did</p> <p>4 that job.</p> <p>5 Q. All right. Now, the last sentence on your</p> <p>6 job duties where it says, "I also conducted numerous</p> <p>7 diversion of prescription drug investigations," can</p> <p>8 you tell me about that, please?</p> <p>9 A. Yeah, I can remember two of them</p> <p>10 distinctly. I did more than two. One of the cases</p> <p>11 was actually a friend of mine that was -- I believe</p> <p>12 he was a Parker County deputy, and he had been</p> <p>13 involved in some sort of an accident and was injured.</p> <p>14 And as the course of his treatment, he was</p> <p>15 subscribed pain pills, hydrocodone, to be specific,</p> <p>16 and he got addicted to the point that he couldn't</p> <p>17 get enough and he started doing what they refer to</p> <p>18 as doctor shopping. And anyway, I had to end up</p> <p>19 working the case on him and putting him in jail.</p> <p>20 Q. Okay. How long -- so it looks like that</p> <p>21 you were a sergeant investigator for about 11</p> <p>22 months. How much of your time was involved doing</p> <p>23 the diversion of prescription drug investigations?</p> <p>24 A. Just -- it would be a guess and I don't</p> <p>25 think I'm supposed to guess.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Okay. And when you say they prescribed,</p> <p>2 you're not talking about the pharmacist, correct?</p> <p>3 They don't prescribe drugs, right?</p> <p>4 A. No, right, dispense, whatever. I'm sorry.</p> <p>5 I used the wrong word.</p> <p>6 Q. Okay. And as part of these</p> <p>7 investigations, was there ever a time where you were</p> <p>8 tasked with investigating alleged inappropriate</p> <p>9 activity by a pharmacist or pharmacy?</p> <p>10 A. I never -- I don't remember ever working a</p> <p>11 case on a doctor or a pharmacist.</p> <p>12 Q. Okay. So it sounds like any interaction</p> <p>13 that you may have had with a pharmacy or pharmacist</p> <p>14 was purely as part of an investigation and their</p> <p>15 cooperation with that?</p> <p>16 A. Yes.</p> <p>17 Q. So I think you mentioned earlier and it</p> <p>18 looks like you were on the list to be a Texas Ranger</p> <p>19 and you left this current job when you went to the</p> <p>20 Texas Rangers, correct?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. All right. And I will confess, I don't</p> <p>23 know a lot about -- other than what I've seen on TV</p> <p>24 or Googled on the internet, about the difference</p> <p>25 between a Texas Ranger versus a trooper. Can you</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. I don't want you to guess, but if you can</p> <p>2 approximate, I mean, that's fine.</p> <p>3 A. 60 percent, 70 percent.</p> <p>4 Q. Okay. And you said you specifically</p> <p>5 recalled another case. Can you tell me about that</p> <p>6 one?</p> <p>7 A. Yes, ma'am. It was a -- it was a LVN</p> <p>8 or -- it was an employee of a doctor's office who</p> <p>9 had stolen a scrip pad and was writing herself</p> <p>10 scrips and to obtain pain medication. There were</p> <p>11 more, but I would have to go back and pull reports</p> <p>12 to remember all that. It's been too long.</p> <p>13 Q. Okay. When you were performing this job,</p> <p>14 was there ever an occasion where you had any</p> <p>15 involvement or interaction with a pharmacy or</p> <p>16 pharmacist?</p> <p>17 A. Yes.</p> <p>18 Q. When would that be?</p> <p>19 A. I don't recall specifically, but part of</p> <p>20 the way we would do it is we would go into the</p> <p>21 pharmacy and show them a line-up of the suspects.</p> <p>22 And I believe -- again, this has been a really long</p> <p>23 time ago. I believe we were able to get documents</p> <p>24 from them showing what all they had prescribed to</p> <p>25 the patient.</p>	<p style="text-align: right;">Page 29</p> <p>1 just tell me a little bit about the job of a Texas</p> <p>2 Ranger?</p> <p>3 A. Sure.</p> <p>4 Q. Kind of a high-level overview?</p> <p>5 A. Yes. We're just the primary investigators</p> <p>6 for criminal cases in the DPS. I mean, we have --</p> <p>7 we have CID, which works narcotics and auto theft,</p> <p>8 things like that. CID -- and they're a big</p> <p>9 division. They're like 750 to a thousand guys.</p> <p>10 There's 162 Rangers for the whole state.</p> <p>11 Everybody's assigned anywhere from between one and</p> <p>12 eight counties depending on the population. And</p> <p>13 you -- the really primary thing is that we bring all</p> <p>14 of our assets to bear for small, local agencies that</p> <p>15 need assistance with murders and officer-involved</p> <p>16 shootings, robberies, sexual assaults, all those</p> <p>17 things.</p> <p>18 Q. Okay. How many Texas Rangers did you say</p> <p>19 there are in the state?</p> <p>20 A. When I left, full strength was 162. It</p> <p>21 could be more or less now. I don't even know if</p> <p>22 they're full. And that includes all the bosses.</p> <p>23 That's not just the workers.</p> <p>24 Q. Okay. You said 162 as in one hundred and</p> <p>25 sixty-two?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. Yes. Very small number.</p> <p>2 Q. I was going to say, that's a very small</p> <p>3 number for a large state. I saw somewhere online,</p> <p>4 tell me if this sounds accurate, it came off the DPS</p> <p>5 website, that the main mission in modern times for</p> <p>6 the Texas Rangers has been to investigate major</p> <p>7 crimes, special investigations such as political</p> <p>8 corruption, and allegations of law enforcement</p> <p>9 malfeasance, border security, and assisting local</p> <p>10 law enforcement in criminal investigations.</p> <p>11 A. That's greatly worded, yes.</p> <p>12 Q. Okay. That sounds pretty much what you --</p> <p>13 like what you just told me, so --</p> <p>14 A. But fancier. I like it.</p> <p>15 Q. And your work as a Texas Ranger, I know it</p> <p>16 spans a number of years. Was any of that work</p> <p>17 devoted to addressing controlled substances?</p> <p>18 A. I can remember one case whenever I was</p> <p>19 stationed in Athens.</p> <p>20 Q. Okay. Can you tell me about that?</p> <p>21 A. Yes, ma'am. I got a call from one of the</p> <p>22 local doctors one day advising me that one of the</p> <p>23 Athens P.D. detectives, she believed that one of --</p> <p>24 this is -- again, I don't have it in front of me, so</p> <p>25 it's not going to be exact. But long story short,</p>	<p style="text-align: right;">Page 32</p> <p>1 pharmacists was purely as part of your investigation</p> <p>2 and their cooperation with the same?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Okay. This document -- you can see</p> <p>5 it on the screen there. It says that you were a</p> <p>6 Texas Ranger from May of 2004 and it says "to</p> <p>7 present" because that was your job application for</p> <p>8 your current job. So when did you leave the Texas</p> <p>9 Rangers?</p> <p>10 A. I retired at the end of May 2021, and my</p> <p>11 first day on this job was June 1st, 2021.</p> <p>12 Q. Okay. All right. And so you took a --</p> <p>13 was that a full retirement then for you?</p> <p>14 A. Yes.</p> <p>15 Q. While you were working with the Texas</p> <p>16 Rangers, was -- did any of your responsibilities</p> <p>17 over that long career include finance, budget</p> <p>18 oversight?</p> <p>19 A. No.</p> <p>20 Q. And do you know how many Texas Rangers at</p> <p>21 the time you were working were assigned to Tarrant</p> <p>22 County, or are they actually assigned -- you</p> <p>23 mentioned assignments to counties.</p> <p>24 A. Yes. In Tarrant County, and it's still</p> <p>25 today, there are two Rangers and a lieutenant</p>
<p style="text-align: right;">Page 31</p> <p>1 one of the detectives was forging prescriptions for</p> <p>2 Tussionex, which my understanding -- my recollection</p> <p>3 of Tussionex is it's a cough syrup that does have</p> <p>4 codeine in it.</p> <p>5 And anyway, I was assigned by the district</p> <p>6 attorney to investigate that case where I went out,</p> <p>7 talked to various pharmacies. I tried to remember</p> <p>8 how I did it in narcotics. I don't remember if I</p> <p>9 did it very well or not. But anyway, he ended up</p> <p>10 getting indicted and losing his job, unfortunately,</p> <p>11 because he was a good friend of mine.</p> <p>12 Q. Okay. And is that the same case you</p> <p>13 mentioned a few minutes ago or different when you</p> <p>14 talk about --</p> <p>15 A. Different case.</p> <p>16 Q. Different? Okay.</p> <p>17 Okay. Yeah, I guess the one was when you</p> <p>18 were a sergeant investigator, you mentioned a</p> <p>19 deputy, right?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And then this was a different</p> <p>22 situation?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. And would your testimony still be the</p> <p>25 same, that your interaction with any pharmacies or</p>	<p style="text-align: right;">Page 33</p> <p>1 assigned in Tarrant County.</p> <p>2 Q. And I think I forgot to ask. What county</p> <p>3 were you assigned to?</p> <p>4 A. Initially -- well, I don't know when you</p> <p>5 want to talk about. Initially I was out in</p> <p>6 Plainview. I had four counties. I don't remember</p> <p>7 all the names of them. That's in the Panhandle. I</p> <p>8 was there for six months before I went to Athens,</p> <p>9 which is Henderson County. And then because of a</p> <p>10 job change for my wife, we came to the Fort Worth</p> <p>11 area in 2010.</p> <p>12 Q. Okay. So any of your work, were you ever</p> <p>13 assigned to Tarrant County while you were a Texas</p> <p>14 Ranger?</p> <p>15 A. Yes, for about 10, 12 years.</p> <p>16 Q. Okay. So from 2010 on?</p> <p>17 A. I think so, yes.</p> <p>18 Q. I won't hold you to the exact date. But</p> <p>19 if it was 10 to 12 years, somewhere in there, 2010,</p> <p>20 2011, somewhere in there?</p> <p>21 A. Yeah, around 2- -- I can't remember if it</p> <p>22 was December, January, but it was 2010, 2011. And I</p> <p>23 was stationed in Fort Worth until I retired.</p> <p>24 Technically the duty station is Hurst, but nobody</p> <p>25 knows where Hurst is, so we just say Fort Worth.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. All right. Okay. The -- while you were a 2 Texas Ranger, other than that one case that you 3 mentioned, were you -- were you ever party to any -- 4 or I'm sorry. "Party" is a bad word. Let me start 5 over. 6 Were you ever aware of any reports of 7 prescription opioid drugs as a threat within the 8 Tarrant County area? 9 A. That would have been CID's job, so no, 10 ma'am. 11 Q. All right. 12 A. They don't work murders and we don't work 13 narcotics, generally. 14 Q. Okay. So based on what you've told me 15 about your job duties and what we have reviewed that 16 DPS reports the job duties of a Texas Ranger are, 17 generally speaking, Texas Rangers would not have had 18 anything to do with narcotics or prescription opioid 19 drugs, correct? 20 A. Correct. And the only reason I was 21 involved in the one in Henderson County is because 22 he was a police officer, which kind of falls into 23 the public corruption -- 24 Q. Okay. 25 A. -- duty.</p>	<p style="text-align: right;">Page 36</p> <p>1 in June of 2021 -- 2 A. Yes. 3 Q. -- till today, June of 2023? 4 A. Correct. 5 Q. And who do you report to? 6 A. Calvin Bond. 7 Q. What is his job title? 8 A. Senior chief of Tarrant County Sheriff's 9 Office. 10 Q. And who would he report to? 11 A. The sheriff. 12 Q. What's his name? 13 A. Bill Waybourn. 14 Q. And are your sheriffs there elected or 15 appointed or -- 16 A. Elected. 17 Q. If you know, how long has Sheriff Waybourn 18 been in office? 19 A. I believe he took office in 2017. 20 Q. Can you just give me a very high-level 21 overview of your job responsibilities today. 22 A. Yes, ma'am. I just oversee the office and 23 supervise. Really and truly, I only have one direct 24 report which is a lieutenant. Under him is a 25 sergeant, and then we have seven investigators and</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. During your long tenure as a Texas Ranger, 2 were you ever disciplined on the job? 3 A. No, ma'am. 4 Q. Okay. That takes us to your current job. 5 And you can -- I think we're done with that exhibit. 6 A. Would it be in order if I put it back like 7 that? 8 Q. You can just set it aside. All right. 9 It's my understanding that you are currently the 10 commander of the Tarrant County Sheriff's Office's 11 narcotics unit. Did I get that right? 12 A. Yes, that's generically what it's called. 13 Technically it's the Combined Narcotics Enforcement 14 Team. 15 Q. And you said that you started at the 16 Tarrant County Sheriff's Office in June of 2021, 17 correct? 18 A. That's correct. 19 Q. All right. And did you hire in at the 20 position that I just stated, or did you start with a 21 different position? 22 A. No, ma'am. I hired in at this position. 23 Q. So you've held -- and do you currently 24 still hold -- you've hold -- sorry. Start over. 25 You've had the same job since you started</p>	<p style="text-align: right;">Page 37</p> <p>1 two K-9s. I got to make -- this is about to shut 2 down. There we go. 3 Technically, I believe this job was 4 designed to liaison between local chiefs of police 5 and the command staff at the sheriff's office to go 6 out and recruit task force officers for my unit. 7 And unfortunately, because of just the personnel 8 issues with all local agencies around here, it's -- 9 I'm unable to recruit anybody. So I've just kind of 10 become an assistant to the investigators at this 11 point and still a liaison between them and the 12 sheriff. 13 Q. Okay. So my understanding based on what 14 you just said and based on some personal experiences 15 that I have had in my past that I understand that 16 this is a drug enforcement net- -- or network team 17 basically that originates out of the sheriff's 18 office but pulls from other departments? Is that 19 correct? 20 MS. ABSTON: Objection to form. 21 You can answer. 22 A. Yes, ma'am. We currently only have one 23 TFO from Mansfield P.D., but we are set up to have 24 TFOs from multiple agencies. It's just everybody's 25 short-handed and they can't get us personnel at this</p>

<p style="text-align: right;">Page 38</p> <p>1 time.</p> <p>2 Q. Okay. When you say "TFO," what does that</p> <p>3 mean?</p> <p>4 A. Task force officer.</p> <p>5 Q. Okay. And by the way, my personal</p> <p>6 experience is I used to be a prosecutor a long time</p> <p>7 ago, so I have some familiarity with this setup.</p> <p>8 So did you tell me that you currently</p> <p>9 supervise one lieutenant? Was that correct?</p> <p>10 A. You can say I supervise the group, but in</p> <p>11 truth, there's a commander, lieutenant, sergeant,</p> <p>12 investigators, K-9 handlers, and admins. They --</p> <p>13 the sergeant does the bulk of the supervising, and</p> <p>14 then there's the lieutenant buffer and then there's</p> <p>15 me.</p> <p>16 So I have the ultimate say-so, but as long</p> <p>17 as they're doing their job right, there's really not</p> <p>18 a lot to do. I just make sure the bills are paid,</p> <p>19 they have the equipment they need, and that sort of</p> <p>20 thing.</p> <p>21 Q. Okay. So other than the one officer you</p> <p>22 said is from, I believe, Mansfield? Was that right?</p> <p>23 A. Yes.</p> <p>24 Q. Are all the other officers, the</p> <p>25 lieutenant, the sergeant, the investigators, the</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Do you have any knowledge of the portion</p> <p>2 of that budget that is assigned to your office or</p> <p>3 department?</p> <p>4 A. I can tell you how much it was last year.</p> <p>5 It was 500,000.</p> <p>6 Q. And is that 500,000, does that pay the</p> <p>7 sher- -- I'm sorry, the Tarrant County Sheriff's</p> <p>8 Office employees, or are they paid out of a</p> <p>9 different budget?</p> <p>10 A. They're paid out of a different budget,</p> <p>11 but that wouldn't even come close to covering</p> <p>12 salaries. That's just for paying for, you know,</p> <p>13 equipment, rent, cars, gas, electricity, those sorts</p> <p>14 of things.</p> <p>15 Q. Okay. That's what I assumed, but I wanted</p> <p>16 to make sure.</p> <p>17 How many, if you know, officers are there</p> <p>18 in total in the Tarrant County Sheriff's Department?</p> <p>19 A. I know approximately. I don't know an</p> <p>20 exact number.</p> <p>21 Q. That's fine.</p> <p>22 A. A little over 400 commissioned officers is</p> <p>23 my understanding. And that's -- that's in -- that's</p> <p>24 actual what we call gun toters. And I think there's</p> <p>25 maybe close to a thousand detention officers.</p>
<p style="text-align: right;">Page 39</p> <p>1 K-9s, are they all from the Tarrant County Sheriff's</p> <p>2 Department?</p> <p>3 A. They are.</p> <p>4 Q. And as part of your job, do any of your</p> <p>5 responsibilities include finance, budget oversight?</p> <p>6 A. Vaguely. We have a business manager,</p> <p>7 thank goodness, who does most of that for me. I do</p> <p>8 have to make some decisions on moving money from</p> <p>9 here and there, but we have a very tiny budget and</p> <p>10 it varies from year to year. It's really weird.</p> <p>11 But anyway, so you could say yes, I do have</p> <p>12 something to do with budget, but very little.</p> <p>13 Q. Okay. And so, for example, the TFO</p> <p>14 assigned from Mansfield, what county is Mansfield</p> <p>15 in?</p> <p>16 A. Several, but a lot of it's in Tarrant, but</p> <p>17 they're also in Johnson and Ellis.</p> <p>18 Q. Okay. So that TFO and any other TFO who</p> <p>19 may come from another department, their salaries and</p> <p>20 things are paid by their respective department. Is</p> <p>21 that correct?</p> <p>22 A. That's correct.</p> <p>23 Q. Do you have any knowledge of Tarrant</p> <p>24 County's overall operating budget?</p> <p>25 A. No, ma'am.</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. And detention officers, what are their job</p> <p>2 duties?</p> <p>3 A. They work in the jail.</p> <p>4 Q. And as you call them, the gun toters,</p> <p>5 those would be more the traditional officer out on</p> <p>6 the road in a cruiser or working in CID or any of</p> <p>7 those other things, correct?</p> <p>8 A. Yes. We have a warrants division. Or</p> <p>9 actually our largest division is courts because we</p> <p>10 have multiple officers assigned to every court and</p> <p>11 this is a huge county. So I think they've got like</p> <p>12 120 guys just over there. Patrol's smaller than</p> <p>13 that because, you know, actually Tarrant County --</p> <p>14 I'll wait for you to ask a question. I'm getting</p> <p>15 too broad. Sorry.</p> <p>16 Q. No, that's fine. I appreciate it because</p> <p>17 I am trying to understand how the -- how the</p> <p>18 department works. So I was going to ask you, and I</p> <p>19 think you started to tell me, about the different</p> <p>20 departments. And I think you said detention,</p> <p>21 warrants, courts. And I -- are the personnel that</p> <p>22 are on the road, are they called road?</p> <p>23 A. Patrol.</p> <p>24 Q. Okay. What else? Anything else?</p> <p>25 A. There's -- there's game room units.</p>

<p style="text-align: right;">Page 42</p> <p>1 There's -- I don't -- I can't think of what they 2 call them right now. I think they call them "seed" 3 maybe. I don't know. There's a unit that covers 4 livestock. There's lots of small units. 5 Q. Okay. Is there a detective division? 6 A. Yes, CID. 7 Q. All right. And when you said "game," are 8 you talking about like wild game or video gaming, 9 gambling? 10 A. The illegal gambling rooms. We call 11 them -- we call them game rooms here. 12 Q. All right. Okay. So just in summary, we 13 have the unit that you work for, CNET, detention, 14 warrants, court, patrol, game rooms, seed, CID. 15 Anything else you can think of? 16 A. Yeah, you just jogged my memory. Human 17 trafficking. I should know that. They moved out 18 into my office. 19 Q. Okay. What are the objectives of -- I'm 20 just going to call it CNET from here on out. Is 21 that okay? 22 A. Sure. 23 Q. Okay. What are the objectives of CNET? 24 A. Just to identify, disrupt, and dismantle 25 drug organizations, drug trafficking organizations.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Absolutely. If you're going to have me 2 reading documents, I need them. 3 Q. Yeah, no more documents right now, so 4 that's why I thought we could just get through this 5 quickly. So I just want to ask you some real basic 6 questions here. 7 If a citizen of Tarrant County has a 8 prescription opioid medication that they were 9 legitimately prescribed, is it a crime to sell those 10 pills to someone else? 11 MS. ABSTON: Objection to form. 12 A. Yes. 13 Q. And if a citizen of Tarrant County has a 14 prescription opioid medication that they were 15 legitimately prescribed, is it a crime to give those 16 pills away? 17 A. Yes. 18 Q. And is it a crime to steal opioid 19 prescription pills from someone else? 20 A. Yes. 21 Q. Is it a crime to obtain an opioid 22 prescription medication from a doctor for the 23 purpose of selling or giving it away? 24 A. Yes. 25 Q. Is it a crime to forge a prescription for</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. So the past pretty much exactly two years 2 that you've been in that, your current position, has 3 anyone ever reported to you that the organization 4 has determined that prescription opioid drugs are a 5 threat within Tarrant County? 6 A. Prescription opioids. No, I don't recall 7 ever that being the case. 8 Q. And while you've been on this job, have 9 you ever been disciplined while on the job? 10 MS. ABSTON: Objection to form. We've 11 discussed for not -- that's not relevant and we'll 12 have a standing objection to any sort of 13 disciplinary matters as they're not relevant to this 14 lawsuit. 15 Q. You can answer yes or no. 16 A. Yes. 17 Q. And I will just tell you I'm not going to 18 ask you about this, but I did see one reference to a 19 situation in your personnel file. Anything else or 20 just the one thing? 21 A. The one thing. 22 Q. All right. All right. I want to go 23 through just a handful of general questions, and 24 then we can take a break if you'd like and you can 25 go retrieve your glasses if that's all right.</p>	<p style="text-align: right;">Page 45</p> <p>1 a controlled substance? 2 A. Yes. 3 Q. Is it a crime to present a forged 4 prescription to a pharmacist to be filled? 5 A. Yes. 6 Q. Okay. Do you agree that prescription 7 opioids can be legally prescribed? 8 A. Sure. 9 Q. And you understand that prescription 10 opioids are approved by the FDA? 11 A. I would assume so. 12 MS. ABSTON: Objection to form. 13 Q. You understand that prescribers are 14 licensed by the state of Texas and the DEA? 15 A. Yes. 16 Q. Are you aware that the DEA sets annual 17 quotas for the manufacture of opioids' chemical 18 precursors based, on part, on an estimated medical 19 need? 20 MS. ABSTON: Objection to form. 21 A. No, ma'am, I'm not aware of that. 22 Q. You're aware that opioids, prescription 23 opioids can help people suffering from pain? 24 A. Yes. 25 Q. And do you agree that it is not a crime</p>

<p style="text-align: right;">Page 46</p> <p>1 for a prescription opioid to pass from the 2 manufacturer to a distributor and for that 3 distributor to pass it on to a pharmacy? 4 MS. ABSTON: Objection to form. 5 A. Can you say that again, please? It all 6 sounds right, but you're -- you went long. 7 Q. I understand. Would you agree that it is 8 not a crime for a prescription opioid to pass from 9 the manufacturer to a distributor and then for that 10 distributor to pass it on to a pharmacy? 11 MS. ABSTON: Objection to form. 12 A. It sounds legal to me. 13 Q. Okay. And do you agree that it is not a 14 crime when a pharmacy dispenses the prescription 15 medicine pursuant to a prescription from a licensed 16 medical professional? 17 A. Sounds legal to me. 18 Q. And you don't believe that doctors in your 19 community are engaging in wrongdoing when they 20 prescribe opioids to patients for legitimate medical 21 purposes, do you? 22 MS. ABSTON: Objection to form. 23 A. I think that there are some pain 24 management clinics that are shady. I don't have any 25 specific examples, but anytime I see a pain</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. I understand. Have you ever investigated 2 the diversion of a medication after it has been 3 lawfully dispensed by the pharmacy? 4 MS. ABSTON: Objection to form. 5 A. I can't remember if that one girl was 6 selling them or not. I know the other guy 7 specifically was taking a huge amount of them a day 8 himself. So I don't -- I don't think so. 9 Q. Okay. All right. And the fact that a 10 pharmacy may fill many prescriptions, that doesn't 11 mean that it is engaging in diversion, correct? 12 MS. ABSTON: Objection to form. 13 A. Using your wording, I would say that's not 14 illegal. 15 Q. And would you agree that just because a 16 doctor prescribes a large amount of prescriptions, 17 that on its own doesn't necessarily mean the doctor 18 has engaged in illegal activity? 19 MS. ABSTON: Objection to form. 20 A. Yes. 21 Q. You understand that pharmacies in the 22 state of Texas do not manufacture prescription 23 opioid medications, correct? 24 MS. ABSTON: Objection to form. 25 A. I don't guess I really knew that because</p>
<p style="text-align: right;">Page 47</p> <p>1 management clinic, I -- it just -- that goes back to 2 my experience back when I was in DPS narcotics. 3 Those were the people that were writing all those 4 prescriptions back then. So I -- there probably are 5 some of those people that aren't following the rules 6 exactly. 7 Q. Okay. But if a doctor prescribes 8 prescription opioids for a legitimate medical 9 purpose, you would agree that that is okay, correct? 10 MS. ABSTON: Objection to form. Asked and 11 answered. 12 A. Sounds legal, yes. 13 Q. All right. What is your understanding of 14 the term "diversion"? 15 A. Diversion, I believe, is whenever -- just 16 basically it's used in law enforcement as a generic 17 term for basically obtaining and selling, 18 distributing legally-manufactured pharmaceuticals to 19 other people. You know, the legal definition may 20 mean something else, but like my recollection from 21 my DPS days is diversion is if -- if you -- whether 22 you forged a scrip or you were doctor shopping and 23 got more of them and you were hoarding them to sell 24 and share and whatnot, I would consider that 25 diversion. But I don't know the legal definition.</p>	<p style="text-align: right;">Page 49</p> <p>1 there's some compounding pharmacies around me. I 2 don't know exactly what all they compound, so -- 3 Q. You understand that pharmacies in the 4 state of Texas do not write prescriptions for 5 illegal opioids, correct? 6 MS. ABSTON: Objection to form. 7 A. When you say "illegal opioids," what do 8 you mean? 9 Q. Well, how would you describe illegal or 10 illicit opioids? 11 MS. ABSTON: Objection to form. 12 A. Heroin, fentanyl, things like that. 13 Q. Okay. 14 A. And so I would say, no, they don't write 15 prescriptions for that because they shouldn't have 16 that. 17 Q. All right. I think I -- I think I asked 18 that question incorrectly. 19 You understand that pharmacies in the 20 state of Texas do not dispense illegal opioids such 21 as heroin, fentanyl, et cetera? 22 A. Yes. 23 MS. JACOBS: All right. This might be a 24 good time for you to go get your glasses. 25 THE WITNESS: Okay.</p>

<p style="text-align: right;">Page 50</p> <p>1 MS. ABSTON: Okay. Do you want to take 2 how long, like a 15-minute break, 10-minute break? 3 THE WITNESS: It'll be a minute because 4 it's a block away. 5 MS. ABSTON: Okay. Then we'll do -- how 6 about 15-minute break? Does that sound okay? 7 MS. JACOBS: That's fine. And could the 8 concierge put myself and Allison and Tony in a 9 breakout room? 10 CONCIERGE: Yes. One second. 11 THE VIDEOGRAPHER: Okay. Current time is 12 10:56 a.m. We're now off the record. 13 (Recess from 10:56 to 11:16) 14 THE VIDEOGRAPHER: Current time is 15 11:16 a.m. We're now back on the record. 16 BY MS. JACOBS: 17 Q. Okay. We are back after a short break, 18 and I -- were you able to retrieve your glasses? 19 A. Yes, ma'am. 20 Q. Great. Just to close out some of the 21 stuff, general job duties with CNET, I neglected to 22 ask you, while you've been at CNET for the past two 23 years, has any of that job been devoted to 24 addressing prescription opioids? 25 A. Specifically to -- not really, no. No.</p>	<p style="text-align: right;">Page 52</p> <p>1 screen. 2 Q. So anyways, let me just ask you a few 3 general questions before we get into that document 4 anyway. 5 Do you personally have any experience with 6 HIDTA, which is the High Intensity Drug Trafficking 7 Agency in the state of Texas? 8 A. I have been to that office and I met with 9 one of their folks yesterday, but that's about the 10 end of it. 11 Q. Okay. So over your career, was yesterday 12 the first time you've met with them? 13 A. No. I've been out to the HIDTA office 14 with my boss once or twice. We participate in one 15 of their programs and have for the last couple of 16 months. 17 Q. Okay. What program is that? 18 A. The OD mapping program. We -- the Tarrant 19 County Sheriff's Office has joined that group. I am 20 the administrator for the county, and so now I'm 21 tracking all of the ODs that the Tarrant County 22 Sheriff's Office is involved with. 23 Q. And when you say "OD," are you referring 24 to overdose? 25 A. Yes.</p>
<p style="text-align: right;">Page 51</p> <p>1 MS. JACOBS: Okay. All right. Bob, if 2 you could pull up what should be Tab 28, and we can 3 mark that as Exhibit 2. 4 (Exhibit 2 marked) 5 Q. Okay. And Trace, if you see in the bottom 6 corner, these documents now have what we call in our 7 legal world Bates numbers. And I'm not going to 8 read you the whole long number, but if you can 9 just -- first of all, when I do refer to a number, 10 that will be your guide to flip to the correct page, 11 but for now -- 12 MS. ABSTON: Diana, for the record, I'm 13 not seeing Bates numbers on these. We just want to 14 make a standing objection that I think the Bates 15 numbers may have been cut off of these documents, 16 so -- I can show you on the screen if that helps, 17 but it looks like there may have been a scaling 18 issue with printing. 19 So we'll have a standing objection to the 20 use of these documents, and please make sure you put 21 on the record the Bates number of the document that 22 you are trying to refer to. 23 MS. JACOBS: Yeah, okay. I apologize. I 24 personally did not lay eyes on it before it went 25 out, so -- but I can see the Bates number is on the</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. What is your understanding of what HIDTA 2 does? 3 A. They house and fund a lot of other law 4 enforcement units. Obviously it stands for High 5 Intensity Drug Trafficking Area, and I think their 6 focus is helping the communities of -- obviously 7 there's the North Texas HIDTA. I'm not familiar 8 with how many different HIDTAs there are, but they 9 have fed, state, and local officers out there and 10 they assist and conduct narcotics investigations and 11 probably other things. I don't know. 12 Q. What relationship does the Tarrant County 13 Sheriff's Department have with HIDTA? 14 A. I don't know exactly other than we are a 15 part of the group. And my boss, Calvin Bond, is one 16 of the -- I don't know what his title is. I think 17 board member might be correct. But he would -- he 18 would definitely be the better person to question 19 about HIDTA. 20 Q. So does CNET work at all with -- directly 21 with HIDTA? 22 A. Very little. We can call. Our meeting 23 yesterday was about them helping us with some 24 training and things like that. They have offered 25 some analytical support. But on a daily basis, no,</p>

<p style="text-align: right;">Page 54</p> <p>1 we do not. Well, let me back up. We do use them 2 for deconfliction. On any cases that we work, if we 3 come up with a phone number or an address or 4 whatever of a potential target, we run it. We do a 5 deconfliction through HIDTA to make sure that we 6 don't interfere with somebody else's investigation. 7 Q. And I saw that term "deconfliction" appear 8 in a couple documents. Can you just tell me what 9 that means? 10 A. It's just that our investigator or 11 somebody helping that investigator will call HIDTA 12 and give them an address or a phone number, maybe 13 even a license plate, I don't know, and they will 14 run it through their databases to see if there's 15 another investigator out there that is working on 16 that same target. It helps prevent blue-on-blue 17 incidents and would help prevent us from interfering 18 with someone else's ongoing investigation. 19 Q. Okay. And are you -- so it's my 20 understanding based on -- I'm looking at the 21 document that we've just now marked as Exhibit 2. 22 Just looking at the cover page where it says "North 23 Texas HIDTA," that leads me to believe there are 24 different divisions of HIDTA throughout Texas? 25 A. I know that's true, but I don't know any</p>	<p style="text-align: right;">Page 56</p> <p>1 geography and the border with Mexico played, at 2 least at this time and it sounds like you're saying 3 still today, a role in the drug threat in Tarrant 4 County, Texas? 5 A. Yes. 6 Q. Now, Bob, if you could go to page 787 7 which should be, Trace, the very next page. And it 8 will say -- I'm sorry. I'm trying to find it on the 9 page now. I lost it. Give me a second. 10 Okay. It's about halfway through the top 11 of the first paragraph. It starts with the sentence 12 "Methamphetamine." And it says, "Methamphetamine, 13 marijuana, and heroin have been reported by NT HIDTA 14 partner agencies as the most significant drug 15 threats in the NT HIDTA AOR." 16 First of all, can you -- is NT HIDTA, is 17 that referring to North Texas HIDTA? 18 A. I believe it is. 19 Q. And what does AOR mean? 20 A. Area of operations or area of 21 responsibility maybe. 22 Q. Is this statement that we just read and 23 that's highlighted on the screen, is that consistent 24 with your memory and your experience as a law 25 enforcement officer in 2013?</p>
<p style="text-align: right;">Page 55</p> <p>1 of the other ones. 2 Q. Okay. Is the North Texas division the one 3 that you would have contact with? 4 A. Yes. 5 Q. Okay. If you can flip to what would be in 6 the bottom corner 0786. So that's just going to be 7 a couple pages in on your hard copy document. And 8 if you can go to the paragraph that says "Threat 9 Assessment." 10 A. Yes. 11 MS. JACOBS: And Bob will put that up on 12 the screen. And, Bob, if you can go to where it 13 starts with the sentence, "The most notable threat." 14 It's about midway through the paragraph. 15 Q. And that says, "The most notable 16 threat-related reports include the continued use of 17 the Dallas/Fort Worth metroplex as a command and 18 control center for international drug trafficking 19 networks that receive drug loads originating within 20 Mexico." 21 This document is dated 2013. Is that 22 statement consistent with your memory as a law 23 enforcement officer in 2013? 24 A. I believe it's still true today. 25 Q. Okay. So is it fair to state that the</p>	<p style="text-align: right;">Page 57</p> <p>1 A. Not in 2013 because I wasn't doing this in 2 2013. 3 Q. Okay. I just mean generally as a law 4 enforcement officer if you had any knowledge if 5 that's accurate. 6 MS. ABSTON: Objection to form. 7 A. If you want to talk to me about the last 8 couple years, I'm happy to do that, but I can't 9 really speak to 2013. 10 Q. Well, were you a law enforcement officer 11 in 2013? 12 A. Yes, who did not work narcotics. 13 Q. Okay. All right. If you want to go to 14 the very next page, 790. And at the very bottom it 15 talks about performance management process, PMP. 16 Can you tell me, do you know what is PMP 17 data? 18 MS. ABSTON: One second. Let me make sure 19 he can find it. 20 A. I haven't found it yet. I'm sorry. 21 Q. Sorry. 22 A. I thought you said the very -- 23 MS. ABSTON: The bottom of page 5. Okay. 24 I think we've located it. 25 A. Okay. I'm here.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q. Okay. If you just want to take a second.</p> <p>2 I'm not going to read all that to you. You can look</p> <p>3 at that paragraph, tell me when you're done.</p> <p>4 A. Just the one with "PMP"?</p> <p>5 Q. Yes.</p> <p>6 A. Okay.</p> <p>7 MS. ABSTON: And can I ask if that</p> <p>8 paragraph continues onto the next page? Because if</p> <p>9 so, he's also allowed to look at that.</p> <p>10 MS. JACOBS: Right. It does not.</p> <p>11 A. Okay. I've read it.</p> <p>12 Q. Okay. Do you know what PMP data is?</p> <p>13 A. No, ma'am.</p> <p>14 Q. All right. So are you able to tell me</p> <p>15 what this paragraph means at all?</p> <p>16 A. No, ma'am.</p> <p>17 MS. JACOBS: Okay. You can put that</p> <p>18 document aside. And, Bob, if you can go to what's</p> <p>19 marked as Tab 29. And we can mark that as</p> <p>20 Exhibit 3, please.</p> <p>21 (Exhibit 3 marked)</p> <p>22 MS. ABSTON: Just for the record, this</p> <p>23 document also does not have Bates numbers, so we'll</p> <p>24 have a standing objection to this line of</p> <p>25 questioning regarding this document. And please</p>	<p style="text-align: right;">Page 60</p> <p>1 MS. ABSTON: Okay. So going forward we're</p> <p>2 also going to object to the use of exhibits that are</p> <p>3 pre-highlighted before we walk through them with the</p> <p>4 witness, so -- can y'all hear me okay?</p> <p>5 MS. JACOBS: Yes.</p> <p>6 MS. ABSTON: Okay.</p> <p>7 A. I've read it.</p> <p>8 Q. Okay. Trace, I just was going to read to</p> <p>9 you the second sentence and ask you -- it says, "DEA</p> <p>10 Dallas has reported anticipating higher than</p> <p>11 previously reported levels of MDMA in the region the</p> <p>12 past two years. However, other law enforcement</p> <p>13 entities in the area reports availability as stable</p> <p>14 during this time frame."</p> <p>15 What is MDMA?</p> <p>16 A. It's -- I can't remember the chemical</p> <p>17 name, but it's ecstasy.</p> <p>18 Q. Okay. And based on -- I understand you</p> <p>19 weren't in your current job, but based on your</p> <p>20 experience in law enforcement in 2014, is that</p> <p>21 statement consistent with your memory at that time</p> <p>22 period?</p> <p>23 A. I'm going to say the same answer as last</p> <p>24 time. In 2014 I was not in narcotics, and I have no</p> <p>25 idea what they were doing at that time. I have no</p>
<p style="text-align: right;">Page 59</p> <p>1 state the Bates number that you're referring to on</p> <p>2 the record.</p> <p>3 MS. JACOBS: Okay. They have pulled up</p> <p>4 this document, and the Bates number is</p> <p>5 Texoma_HIDTA_0857. That's the cover page of the</p> <p>6 document. And it's titled "North Texas HIDTA 2014</p> <p>7 Strategy."</p> <p>8 Bob, if you can flip to page 0863.</p> <p>9 MS. ABSTON: Do you have a page number in</p> <p>10 the document?</p> <p>11 MS. JACOBS: Yeah. I was just going to</p> <p>12 say, these actually have their own individual page</p> <p>13 numbers, so it looks like it's page 5.</p> <p>14 MS. ABSTON: Okay.</p> <p>15 Q. Trace, if you could just review the</p> <p>16 section that is under "Outlook."</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Let me know when you've read that.</p> <p>19 MS. ABSTON: While he's reading, I'm going</p> <p>20 to change his Zoom screen so he can see you, Diana.</p> <p>21 MS. JACOBS: Okay.</p> <p>22 MS. ABSTON: And before he answers, was</p> <p>23 the highlighting part of this document, or was that</p> <p>24 something that y'all added, just to confirm?</p> <p>25 MS. JACOBS: We had added.</p>	<p style="text-align: right;">Page 61</p> <p>1 reason to disbelieve these reports, but I can't</p> <p>2 speak to my personal knowledge of them.</p> <p>3 Q. Okay. And at the bottom it talks about</p> <p>4 the regional marijuana production is expected to</p> <p>5 rise. And do you have any information regarded --</p> <p>6 regarding the regional marijuana production back in</p> <p>7 2014?</p> <p>8 A. No, ma'am.</p> <p>9 MS. JACOBS: All right. Okay. You can</p> <p>10 put that document aside. And if you will flip to</p> <p>11 Tab 30, and we'll mark that as Exhibit 4.</p> <p>12 (Exhibit 4 marked)</p> <p>13 MS. JACOBS: And that Bates number is</p> <p>14 Texoma_HIDTA_0152.</p> <p>15 MS. ABSTON: Okay. We're going to once</p> <p>16 again object to the use of this exhibit and the line</p> <p>17 of questioning that follows as there's no Bates</p> <p>18 numbers that reflect this. And also, the document</p> <p>19 appears to have attorney-added highlighting to it,</p> <p>20 including on the physical copy in front of the</p> <p>21 witness. So we just want to state that objection.</p> <p>22 MS. JACOBS: Can you just tell me, Alex,</p> <p>23 does it look like in printing the bottom was cut off</p> <p>24 or what?</p> <p>25 MS. ABSTON: It does. It looks like when</p>

<p style="text-align: right;">Page 62</p> <p>1 it was scale printed that it was not -- I'll show 2 you. Like, for example, this is the bottom of my 3 document. Like it wasn't properly scaled when it 4 was printed. 5 MS. JACOBS: Okay. 6 MS. ABSTON: So it cut off the bottom. 7 And then it did not print in color, but we can see 8 the residual highlighting. 9 MS. JACOBS: I'm just trying to understand 10 so it doesn't happen again. That's all. Okay. 11 Thank you. 12 Q. Okay. If you can go -- it'll just be a 13 couple pages in -- to page 0154. And it looks like 14 it's page 3 on the actual document. 15 A. Yes, ma'am. 16 Q. All right. Okay. And in the second 17 paragraph, it says, "Law enforcement and 18 intelligence data clearly indicates methamphat-" -- 19 sorry -- "methamphetamine poses the most significant 20 drug threat to the region as North Texas and 21 Oklahoma are flooded with cheap, high purity 22 methamphetamine produced in Mexico." 23 Do you -- in your experience in law 24 enforcement in 2016, do you recall that to be the 25 case?</p>	<p style="text-align: right;">Page 64</p> <p>1 answered. 2 A. No, ma'am. 3 Q. Okay. You can put that document aside. 4 And -- 5 THE WITNESS: Am I supposed to keep giving 6 it to you? 7 MS. ABSTON: Yeah, I can help you find it. 8 MS. JACOBS: Okay. We will go to Tab 31, 9 Exhibit 5. We'll mark that as Exhibit 5. I'm 10 sorry. 11 (Exhibit 5 marked) 12 MS. ABSTON: Tab 31? Okay. We're going 13 to also object to the use of this document. There's 14 no Bates numbers on this document. And from our 15 review, it includes attorney-created highlighting 16 possibly, so -- 17 Q. Okay. If you go to -- first of all, have 18 you seen a document like this before labeled "Threat 19 Assessment"? 20 A. I have seen -- I believe I've seen an 21 email in the last couple of years that -- I know -- 22 I know for sure that they've sent questionnaires 23 asking, you know, for data to do one of these, or I 24 believe that's what it was going to be used for, but 25 I don't know for sure that I've seen the document.</p>
<p style="text-align: right;">Page 63</p> <p>1 A. I do not. 2 Q. And when you say you do not, is that just 3 based on your prior statement that you were not in 4 narcotics at that time? 5 A. Yes, ma'am. And I'm not trying to be 6 rude. I'm just being completely honest with you. 7 Q. I understand. But you don't -- I just 8 want to understand that you're not necessarily 9 disagreeing with that statement, you're just telling 10 me you don't have knowledge? 11 A. Absolutely. 12 Q. Okay. And then when it also talks a 13 little further down, it says, "Prescription drugs, 14 heroin, synthetic cannabinoids, coke, crack cocaine, 15 and marijuana also all pose a significant threat to 16 communities throughout the Texoma HIDTA region." 17 Same question. Your experience in law 18 enforcement in 2016, would you agree with that 19 statement? 20 A. I would say that I do not know. 21 Q. All right. This mentions prescription 22 drugs. At this time period in 2016, do you have any 23 information as to what prescription drugs posed a 24 threat to the DFW area? 25 MS. ABSTON: Objection to form. Asked and</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. I understand you weren't at CNET at the 2 time, but in your current position at CNET, do you 3 receive these threat assessments from HIDTA? 4 A. We do receive them. I can't -- I'm not 5 sure if I get them from Calvin who sends them down 6 to me or if I get them directly from HIDTA. 7 Q. Do you receive any other publications from 8 HIDTA on a regular basis? 9 A. Not that I can recall, no. 10 Q. Okay. If you will go to page 257. It's 11 just going to be a few pages in. It looks like it 12 is page 4 on your document. 13 A. I'm here. 14 Q. Okay. And under "Executive Summary," it 15 states, "Prescription drugs, heroin, synthetic 16 cannabinoids, cocaine, crack cocaine, and marijuana 17 also all pose a significant threat to communities 18 throughout the Texoma HIDTA region. In particular, 19 increased flow of cocaine into the region and signs 20 of increasing distribution of synthetic opioids such 21 as fentanyl and fentanyl-laced drugs are the most 22 significant emerging trends facing the region." 23 Based on your experience as a law 24 enforcement officer in 2017, does this accurately 25 reflect what was going on?</p>

<p style="text-align: right;">Page 66</p> <p>1 A. I'm unsure.</p> <p>2 Q. Okay. Do you agree that synthetic opioids</p> <p>3 were the emerging trends?</p> <p>4 MS. ABSTON: Objection to form.</p> <p>5 A. I'm sorry. Are you speaking to now or</p> <p>6 2017?</p> <p>7 Q. 2017. I'm sorry.</p> <p>8 A. I can't say through my work experience,</p> <p>9 but I do believe that's when I started hearing about</p> <p>10 it on the news.</p> <p>11 Q. Okay.</p> <p>12 A. Somewhere around there.</p> <p>13 Q. And synthetic opioids, those do not</p> <p>14 include prescription opioids, correct?</p> <p>15 A. Correct.</p> <p>16 MS. ABSTON: Objection to form.</p> <p>17 Q. Okay. If you will move to -- let's see</p> <p>18 here -- page 275, which will be -- sorry, I'm trying</p> <p>19 to find the page number for you -- page 22 for you.</p> <p>20 Okay. And the section that talks about</p> <p>21 synthetic drugs. It says, "Synthetic drugs,</p> <p>22 especially synthetic cannabinoids and increasingly</p> <p>23 synthetic opioids, are an existing and persistent</p> <p>24 drug threat in the Texoma HIDTA."</p> <p>25 Is that statement consistent with your</p>	<p style="text-align: right;">Page 68</p> <p>1 with your law enforcement experience in 2017?</p> <p>2 A. Not in 2017, no, ma'am.</p> <p>3 Q. Why do you say that?</p> <p>4 A. Because I wasn't working narcotics in</p> <p>5 2017.</p> <p>6 Q. Okay. You can put that document aside.</p> <p>7 MS. ABSTON: Before we put that document</p> <p>8 aside, can you read to me the Bates number on the</p> <p>9 first page of the document you're referring to? I</p> <p>10 don't think we got that on the record.</p> <p>11 MS. JACOBS: Sure. Let me back up here.</p> <p>12 I lost it. Texoma_HIDTA_0254.</p> <p>13 MS. ABSTON: Thank you.</p> <p>14 MS. JACOBS: Okay. If you can go to</p> <p>15 Tab 32, which we will mark as Exhibit 6.</p> <p>16 (Exhibit 6 marked)</p> <p>17 MS. ABSTON: Okay. We're going to once</p> <p>18 again object to the use of this exhibit and the line</p> <p>19 of questioning that follows as there's no Bates</p> <p>20 numbers and it includes attorney-created</p> <p>21 highlighting on the back of it.</p> <p>22 Q. Okay. And this -- this document is Bates</p> <p>23 numbered Texoma_HIDTA_0347. And this appears to be</p> <p>24 a 2018 threat assessment, so similar to the document</p> <p>25 we just looked at.</p>
<p style="text-align: right;">Page 67</p> <p>1 experience in law enforcement in 2017?</p> <p>2 MS. ABSTON: I want to make sure the</p> <p>3 witness is able to see the full -- you found it?</p> <p>4 THE WITNESS: I think I'm there, uh-huh.</p> <p>5 MS. ABSTON: Okay.</p> <p>6 A. I'm going to give you the same answer. I</p> <p>7 don't know about what was going on in 2017.</p> <p>8 Q. And again, synthetic drugs refer to</p> <p>9 illegal drugs, correct?</p> <p>10 MS. ABSTON: Objection to form.</p> <p>11 A. I believe so, yes.</p> <p>12 Q. Okay. If you can move, please, to page</p> <p>13 277 which should be page 24 for you. And under</p> <p>14 "Synthetic Opioids," it states about midway through</p> <p>15 the paragraph, "There are two main sources for</p> <p>16 synthetic opioids in the region: Mexican DTOs who</p> <p>17 are increasingly trafficking bulk fentanyl,</p> <p>18 alongside other drugs like cocaine, methamphetamine</p> <p>19 and heroine, and independent DTOs who obtain the</p> <p>20 drugs from sources in China and other countries</p> <p>21 through negotiations and purchases over the dark web</p> <p>22 and over internet sources."</p> <p>23 Can you tell me what a DTO is?</p> <p>24 A. Drug trafficking organization.</p> <p>25 Q. Okay. And is this statement consistent</p>	<p style="text-align: right;">Page 69</p> <p>1 And if you will go to Bates number page</p> <p>2 359, and I will give you the page number here. Just</p> <p>3 a second. Page 13. Under "Fentanyl and Other</p> <p>4 Synthetic Opioids," it states, "Over the past year,</p> <p>5 law enforcement has encountered fentanyl, fentanyl</p> <p>6 analogues, carfentanyl, and other synthetic opioids</p> <p>7 throughout North Texas, the Texas Panhandle, and</p> <p>8 Oklahoma."</p> <p>9 Based on your experience in law</p> <p>10 enforcement in 2018, is this accurate?</p> <p>11 A. I'm going to say again, I'm sorry, I don't</p> <p>12 know.</p> <p>13 Q. And then the bullet-pointed paragraph</p> <p>14 below, it says, "Multiple instances of seized</p> <p>15 counterfeit oxycodone/hydrocodone tablets found to</p> <p>16 contain fentanyl or fentanyl analogues have occurred</p> <p>17 in Texas and Oklahoma over the last several years."</p> <p>18 You would agree that those are illicitly</p> <p>19 and illegally-produced opioids, correct?</p> <p>20 MS. ABSTON: Objection to form.</p> <p>21 A. By definition, yes, I believe they would</p> <p>22 be.</p> <p>23 Q. And I understand that you were not working</p> <p>24 in the job that you are currently in in -- I guess</p> <p>25 this is in 2018, but the statements that are listed</p>

<p style="text-align: right;">Page 70</p> <p>1 here, are those still accurate as we sit here today?</p> <p>2 MS. ABSTON: Objection to form.</p> <p>3 A. Yes. If you put 2023 on here, I don't</p> <p>4 think much has changed.</p> <p>5 Q. Okay. If you can flip to page 365. I</p> <p>6 will tell you that is on the document page 19. And</p> <p>7 under the section "Marijuana," it states, "Marijuana</p> <p>8 remains the most abundant and accessible illicit</p> <p>9 drug throughout the Texoma HIDTA AOR," which is in</p> <p>10 parentheses "Texas and Oklahoma," close parentheses.</p> <p>11 Based on your experience in law</p> <p>12 enforcement in 2018, was that statement accurate as</p> <p>13 of 2018?</p> <p>14 A. I do not know. And I haven't found that</p> <p>15 in here. Were you on --</p> <p>16 Q. I'm sorry.</p> <p>17 A. -- page 16?</p> <p>18 Q. Page 19.</p> <p>19 A. 19. Sorry.</p> <p>20 MS. ABSTON: Okay. So we're going to</p> <p>21 object to that line of questioning before the</p> <p>22 witness can locate it on the document.</p> <p>23 A. Okay. I'm there.</p> <p>24 MS. ABSTON: Can you repeat your question</p> <p>25 for the witness?</p>	<p style="text-align: right;">Page 72</p> <p>1 the bottom of those.</p> <p>2 MS. ABSTON: Yeah, actually I think we do</p> <p>3 have the Bates numbers on those. Just give us one</p> <p>4 minute. Okay? Okay.</p> <p>5 MS. JACOBS: Are you guys there?</p> <p>6 MS. ABSTON: Yes.</p> <p>7 MS. JACOBS: Sorry.</p> <p>8 Q. Okay. Trace, if you can go to the bottom.</p> <p>9 Unfortunately, with emails we have to always start</p> <p>10 at the bottom and read up. So if you can look at</p> <p>11 the bottom, that appears to be the original email</p> <p>12 from -- is it Raul or Raul?</p> <p>13 A. Raul.</p> <p>14 Q. Raul Rodriguez copying you on June 25,</p> <p>15 2021. Who is Raul?</p> <p>16 A. He -- at that point in time, he was the</p> <p>17 sergeant in CNET. He has since been transferred to</p> <p>18 human trafficking.</p> <p>19 Q. Okay. And do you know why this email was</p> <p>20 sent?</p> <p>21 A. Generally, I believe that the chief likes</p> <p>22 to report to the sheriff -- sheriff just likes to</p> <p>23 know these numbers.</p> <p>24 Q. When you say "these numbers," what numbers</p> <p>25 are you referring to?</p>
<p style="text-align: right;">Page 71</p> <p>1 MS. JACOBS: Sure. Court Reporter, can</p> <p>2 you just read that back?</p> <p>3 THE REPORTER: "Under the section</p> <p>4 'Marijuana,' it states, 'Marijuana remains the most</p> <p>5 abundant and accessible illicit drug throughout the</p> <p>6 Texoma HIDTA AOR,' which is in parentheses 'Texas</p> <p>7 and Oklahoma,' close parentheses.</p> <p>8 "Based on your experience in law</p> <p>9 enforcement in 2018, was that statement accurate as</p> <p>10 of 2018?"</p> <p>11 A. I don't know about 2018. I'm sorry.</p> <p>12 Q. Okay. Is this statement still true today?</p> <p>13 MS. ABSTON: Objection to form.</p> <p>14 A. I would have to look at our current CNET</p> <p>15 stats to tell you more accurately, but -- so I'll</p> <p>16 say I don't know.</p> <p>17 Q. Okay. You can put that document aside.</p> <p>18 All right. Let me -- you should be able to go to</p> <p>19 your notebook, would be Tab 1. And I'll have that</p> <p>20 marked as Exhibit 7.</p> <p>21 (Exhibit 7 marked)</p> <p>22 MS. ABSTON: Hold on. Let us get there</p> <p>23 for a moment.</p> <p>24 MS. JACOBS: Sure. And if you can check</p> <p>25 and let me know, Alex if the Bates numbers appear on</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Fentanyl overdose deaths in Tarrant</p> <p>2 County.</p> <p>3 Q. All right. And is this something that --</p> <p>4 do these emails -- are these emails still produced</p> <p>5 to report the fentanyl overdose deaths?</p> <p>6 A. We haven't done it yet. Since we've got a</p> <p>7 new sergeant that doesn't necessarily have the -- we</p> <p>8 have a new medical examiner. I don't know. Things</p> <p>9 have changed since this was produced, and I would</p> <p>10 just say I'm not sure that it's still a work in</p> <p>11 progress or not.</p> <p>12 Q. Okay. I will direct your attention to the</p> <p>13 first paragraph, and it says, "Chief Bond, Attached</p> <p>14 are the overdose deaths in Tarrant County from</p> <p>15 January 2018 through March of 2021. As you may be</p> <p>16 aware, we are at the mercy of the medical examiners</p> <p>17 who complete reports on overdose deaths. The</p> <p>18 statistical information I am provided can be precise</p> <p>19 or vague; some reported overdose deaths state 'mixed</p> <p>20 drug toxicity' while others state the same followed</p> <p>21 by actual drug names/types. For the purposes of</p> <p>22 reporting on fentanyl overdose deaths, I have only</p> <p>23 counted overdose deaths in which fentanyl was</p> <p>24 specifically named, whether as the sole drug or as a</p> <p>25 cocktail of two or more drugs. The data examined</p>

<p style="text-align: right;">Page 74</p> <p>1 was staggering."</p> <p>2 So this mentions that sometimes drugs can</p> <p>3 be mixed, but it's my understanding that this is</p> <p>4 data on fentanyl. Is that correct?</p> <p>5 A. That's what they asked for, yes.</p> <p>6 Q. Okay. And they are not asking and not</p> <p>7 reporting on data on prescription opioids, correct?</p> <p>8 MS. ABSTON: Objection, form.</p> <p>9 A. Fentanyl is what the sheriff is mostly</p> <p>10 interested in.</p> <p>11 Q. Okay. And if you look down to the second</p> <p>12 paragraph, I promise you I'm not going to read all</p> <p>13 of this, but we just want to put some of it on the</p> <p>14 record. It starts, "What the unit is encountering,</p> <p>15 I believe, explains the uptick in overdose deaths</p> <p>16 involving fentanyl. Fentanyl is being sold and</p> <p>17 passed off as a legitimate prescribed medication,</p> <p>18 namely oxycodone hydrochloride 30-milligram pills,</p> <p>19 commonly referred amongst law enforcement as 'blue</p> <p>20 M30s.' What makes these counterfeit oxycodone pills</p> <p>21 so dangerous is the fentanyl content of each pill is</p> <p>22 not precise due to the pills being manufactured in</p> <p>23 clandestine lab settings."</p> <p>24 Do you see that statement?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 76</p> <p>1 alternatives than the harder drugs such as cocaine,</p> <p>2 methamphetamine, and heroin due to their disguised</p> <p>3 nature of prescribed oxycodone."</p> <p>4 And then it goes on to say that -- sorry.</p> <p>5 I just lost my place. What is your understanding</p> <p>6 with regards to that statement that they're being</p> <p>7 sold as a safer alternative?</p> <p>8 A. Obviously that's Sergeant Rodriguez's</p> <p>9 opinion, since he said "I believe." I wouldn't</p> <p>10 disagree with him, although I have not personally</p> <p>11 interviewed anybody who has said that to me.</p> <p>12 Q. Okay. You can put that document aside.</p> <p>13 And we will go to Tab 8. I'm sorry. Tab 35. I'm</p> <p>14 sorry. Exhibit 8. I got my numbers wrong here.</p> <p>15 (Exhibit 8 marked)</p> <p>16 MS. ABSTON: Give us one second.</p> <p>17 MS. JACOBS: Yeah.</p> <p>18 THE WITNESS: Yeah, I don't think I have</p> <p>19 that here.</p> <p>20 MS. ABSTON: Here we go. One second.</p> <p>21 Okay. Hold on one second. We're also going to</p> <p>22 object to the use of this document and the line of</p> <p>23 questioning that follows as there's no Bates numbers</p> <p>24 present on it, so -- or page numbers for that</p> <p>25 matter. I'm not sure about if there's any</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. And do you agree with that statement?</p> <p>2 A. Yes.</p> <p>3 Q. And in the time that you've been at CNET,</p> <p>4 what has your experience been with fentanyl being</p> <p>5 made into counterfeit medication?</p> <p>6 A. Really just what he said. I mean, we</p> <p>7 encounter blue M30s on a regular basis during search</p> <p>8 warrant executions.</p> <p>9 Q. So what are exactly blue M30s?</p> <p>10 A. You just read the definition of what it</p> <p>11 is. It's a counterfeit oxycodone.</p> <p>12 Q. And are these counterfeit oxycodones made</p> <p>13 in what I've seen in other documents, I'm not sure</p> <p>14 if it was in yours or others, as -- are they made in</p> <p>15 what's called pill presses?</p> <p>16 MS. ABSTON: Objection to form.</p> <p>17 A. That is my understanding.</p> <p>18 Q. Okay. Okay. If you can flip to the next</p> <p>19 page, please. And starting -- actually, I'm sorry,</p> <p>20 it's starting on -- it's starting on the page</p> <p>21 before, the last four sentence -- four words. My</p> <p>22 apologies.</p> <p>23 At the very bottom, it says, "I believe</p> <p>24 the pills" -- and then you can go to the next page</p> <p>25 -- "are being sold to patrons as 'safer'</p>	<p style="text-align: right;">Page 77</p> <p>1 highlighting added, but we would object if there is</p> <p>2 as well. Could you please read the Bates on the</p> <p>3 record of the document that you're referring to?</p> <p>4 MS. JACOBS: Sure. This is</p> <p>5 Tarrant_00836424. And, Bob, can you confirm that</p> <p>6 was correct? I was reading it off the screen</p> <p>7 myself.</p> <p>8 Q. Okay. Trace, do you recognize this</p> <p>9 document?</p> <p>10 A. I've seen this one or one very similar to</p> <p>11 it, but we have a PowerPoint that we use over and</p> <p>12 over for different things, so I'm not sure this is</p> <p>13 the exact one I've seen.</p> <p>14 Q. Okay. What is it?</p> <p>15 A. It's -- well, it's a -- I think it's a</p> <p>16 briefing to the commissioners court, I believe.</p> <p>17 Q. And when you say "commissioners of court,"</p> <p>18 what does that mean?</p> <p>19 A. That's the county commissioners who</p> <p>20 basically run the county. There's a number of them</p> <p>21 that the sheriff meets with, and they show them</p> <p>22 about the various activities within the department.</p> <p>23 Q. All right. And this one appears to be</p> <p>24 dated July of 2021. So at this point, you would</p> <p>25 have been on the job for a month or so, correct?</p>

<p style="text-align: right;">Page 78</p> <p>1 A. A seasoned veteran, yes.</p> <p>2 Q. All right. Do you know who would have</p> <p>3 prepared this document?</p> <p>4 A. Probably Sergeant Rodriguez. But I'm not</p> <p>5 a hundred percent on that.</p> <p>6 Q. Is that -- I apologize. Is that Raul who</p> <p>7 we just spoke of?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. You would have been new on the job.</p> <p>10 Were you tasked with helping prepare this in any</p> <p>11 way?</p> <p>12 A. No. I mean, I asked him to do it, I'm</p> <p>13 sure. I don't recall that specifically, but that's</p> <p>14 kind of how -- how that was working.</p> <p>15 Q. Okay. Now, I see, as I said, it's dated</p> <p>16 July 2021. Do you have any information as to how</p> <p>17 often this kind of document was prepared?</p> <p>18 A. I believe once a year. I think we've done</p> <p>19 it a couple of times now.</p> <p>20 Q. Is there any significance of doing it in</p> <p>21 July?</p> <p>22 A. Budget times, I believe, because right</p> <p>23 now -- July is specifically whenever the sheriff's</p> <p>24 office is starting to go to the commissioners and</p> <p>25 try to get budget approval and all that. But I</p>	<p style="text-align: right;">Page 80</p> <p>1 MS. ABSTON: Objection to form.</p> <p>2 THE WITNESS: Sorry.</p> <p>3 MS. ABSTON: You can answer.</p> <p>4 A. Probably year to date would be my guess</p> <p>5 just based on the amount.</p> <p>6 Q. Okay. And when you say year to date, are</p> <p>7 we talking year as in calendar year, January to July</p> <p>8 of 2021?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Okay. And it looks to me that</p> <p>11 methamphetamine was by far the most seized drug in</p> <p>12 terms of weight, correct?</p> <p>13 A. Well, yes.</p> <p>14 Q. And when it refers to counterfeit pills,</p> <p>15 do you know what it is referencing in particular?</p> <p>16 A. I do not.</p> <p>17 Q. Okay. And do you know what that num- --</p> <p>18 I assume -- well, it says at the top the number is</p> <p>19 weight, so that would be 16 pounds of counterfeit</p> <p>20 pills. Is that correct?</p> <p>21 A. That would be odd for them to do pills in</p> <p>22 pounds. It could be, but generally that's grams and</p> <p>23 kilograms. So I don't know -- I didn't put this</p> <p>24 together, so I can't tell you.</p> <p>25 Q. Okay. Yeah, that's what I wasn't sure,</p>
<p style="text-align: right;">Page 79</p> <p>1 don't recall exactly why we did it in July.</p> <p>2 The other reason it could have been done</p> <p>3 is we do a similar document whenever we -- and</p> <p>4 again, that's why -- I don't know why this one was</p> <p>5 done, but we -- anytime we have a group of cadets</p> <p>6 graduating the academy and going to start patrol,</p> <p>7 CNET goes out and does a couple-hour presentation to</p> <p>8 the recruits to let them know what we do and teach</p> <p>9 them a little bit about drug enforcement and calling</p> <p>10 us for help when they need to.</p> <p>11 So this could have been a briefing. Just</p> <p>12 based on its titling, it probably was, but it also</p> <p>13 could have been done for the cadets. I don't know.</p> <p>14 MS. JACOBS: Okay. If you will flip, Bob,</p> <p>15 to page 6430. And, Trace, it'll be about six pages</p> <p>16 in, I guess, five or six pages. And, Bob, if you</p> <p>17 can expand that middle section with the numbers</p> <p>18 there.</p> <p>19 MS. ABSTON: Hold on. We're going to try</p> <p>20 to locate that page. Okay. We found it.</p> <p>21 Q. Okay. Great. So this looks like to me,</p> <p>22 and I don't know -- can you tell me, is this a</p> <p>23 summary of the contraband that CNET would have</p> <p>24 seized over a period of time?</p> <p>25 A. Probably --</p>	<p style="text-align: right;">Page 81</p> <p>1 some of this, whether it was all weight or if it</p> <p>2 had -- had different amounts listed there.</p> <p>3 So -- but just to be clear, counterfeit</p> <p>4 pills would not include drugs that were dispensed</p> <p>5 from pharmacies.</p> <p>6 MS. ABSTON: Objection, form.</p> <p>7 A. Correct.</p> <p>8 Q. And there are no pharmaceutical drugs</p> <p>9 listed on this list, are there?</p> <p>10 MS. ABSTON: Objection to form.</p> <p>11 A. No, ma'am.</p> <p>12 Q. Okay. If you can go just a couple pages</p> <p>13 further, there are a couple of charts. Right there,</p> <p>14 Bob. You can stop there. The document at the top</p> <p>15 says "Meth and Fentanyl Seizure Trends," and the</p> <p>16 Bates number is -- at the bottom is</p> <p>17 Tarrant_00836432. Sorry. Okay.</p> <p>18 So, Trace, I'm just going to ask, can you</p> <p>19 tell what these charts are showing or is this a --</p> <p>20 A. I have no idea what this was supposed to</p> <p>21 show.</p> <p>22 Q. Okay.</p> <p>23 A. I can't make heads or tails of it.</p> <p>24 Q. Okay. All right. Me neither. But</p> <p>25 whatever it is, it's tracking obviously</p>

<p style="text-align: right;">Page 82</p> <p>1 methamphetamine and fentanyl, correct?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. All right. If you can go just a couple</p> <p>4 more pages further. There. You can stop there,</p> <p>5 Bob. The graph is "Overdose Deaths in Tarrant</p> <p>6 County." The Bates number is Tarrant_00836434.</p> <p>7 And is this reflecting overdose deaths</p> <p>8 from looks like January of 2018 to April of 2021?</p> <p>9 A. That's what it appears.</p> <p>10 Q. All right. Is there any way on here to</p> <p>11 distinguish between what is marked as</p> <p>12 fentanyl-related deaths versus other overdose</p> <p>13 deaths?</p> <p>14 A. It might have been if it was in color.</p> <p>15 I can't tell. Obviously this is in black and white</p> <p>16 and it looks like at the bottom there's a --</p> <p>17 possibly a color for fentanyl-related deaths and</p> <p>18 another -- I'm not sure. I can't -- just the way it</p> <p>19 is here, I can't tell.</p> <p>20 Q. Sorry. That was a bad question anyway.</p> <p>21 So it appears to be, if you look, there's a color.</p> <p>22 And I understand it's black and white. It's kind of</p> <p>23 darker gray and lighter gray on here. It references</p> <p>24 fentanyl-related deaths as one color and possibly</p> <p>25 another color as overdose deaths, correct?</p>	<p style="text-align: right;">Page 84</p> <p>1 A. I think it was just to give the viewer or</p> <p>2 audience a perspective on how little of the drug it</p> <p>3 takes to kill you.</p> <p>4 Q. Okay. Is it fair to state that fentanyl</p> <p>5 is more lethal than heroin?</p> <p>6 A. I'm not a doctor. I'm not a hundred</p> <p>7 percent sure.</p> <p>8 Q. All right. In any event, this slide does</p> <p>9 not talk about prescription opioids, correct?</p> <p>10 A. No, it does not.</p> <p>11 Q. And is that because in 2021 drugs such as</p> <p>12 these illegal drugs were the problem in Tarrant</p> <p>13 County?</p> <p>14 MS. ABSTON: Objection to form.</p> <p>15 A. They were definitely the target of our</p> <p>16 group and remain a target of our group.</p> <p>17 Q. Okay. You can put that document aside.</p> <p>18 And we can go to Tab 7. That will be in your</p> <p>19 notebook. And we'll mark that as Exhibit 9.</p> <p>20 (Exhibit 9 marked)</p> <p>21 Q. Just tell me when you're there.</p> <p>22 A. I'm there.</p> <p>23 Q. Okay. Do you recognize this?</p> <p>24 A. I can't really tell what the photo is.</p> <p>25 I'm sure just based on the date that I was aware of</p>
<p style="text-align: right;">Page 83</p> <p>1 A. Yes.</p> <p>2 Q. And my question is, are you able to tell</p> <p>3 me -- obviously fentanyl deaths are given their own</p> <p>4 color, and overdose deaths are given a separate</p> <p>5 color. Do you know what the other overdose deaths</p> <p>6 includes?</p> <p>7 A. I do not.</p> <p>8 Q. Okay. If you will just go a couple more</p> <p>9 pages further to 6436. Right there, Bob. The Bates</p> <p>10 number is Tarrant_00836436. And this has a picture,</p> <p>11 "Lethal dose of fentanyl and M30s."</p> <p>12 And it also mentions carfentanil. What is</p> <p>13 that?</p> <p>14 A. I can't remember the exact definition, but</p> <p>15 I think it's for like an elephant tranquil- -- I</p> <p>16 can't remember. I know it's more powerful than</p> <p>17 regular fentanyl. That's all I can tell you right</p> <p>18 now.</p> <p>19 Q. Okay. Do you know why CNET was making</p> <p>20 this comparison, put together this slide here?</p> <p>21 A. That was taken from the DEA website</p> <p>22 directly. I've seen that on the DEA's web page.</p> <p>23 Q. And in terms of --</p> <p>24 A. I think it -- I'm sorry.</p> <p>25 Q. I'm sorry. Go ahead.</p>	<p style="text-align: right;">Page 85</p> <p>1 this investigation, but I -- you know, it kind of</p> <p>2 blends in with a whole lot of other ones.</p> <p>3 Q. Okay. This document, it looks like it's</p> <p>4 some sort of internal update or release because it</p> <p>5 says "Not for immediate release." So do you know</p> <p>6 who this would have been distributed to?</p> <p>7 A. I would assume Chief Bond.</p> <p>8 Q. All right. And this references -- again,</p> <p>9 we've got more acronyms here. On the second line it</p> <p>10 talks about this being an OCDETF investigation. Do</p> <p>11 you know what that is?</p> <p>12 A. I haven't studied that in a minute. It</p> <p>13 seems like it's organized crime -- I don't remember</p> <p>14 what it means, but it's generally a federal</p> <p>15 investigation that we assist with.</p> <p>16 Q. Okay. And this references that it took</p> <p>17 place, at least the surveillance took place in west</p> <p>18 Tarrant County, correct?</p> <p>19 A. It doesn't really say that. It just says</p> <p>20 it happened on west -- oh, I guess it does say that</p> <p>21 up there. Yes, it does.</p> <p>22 Q. Okay. And so you were employed at CNET at</p> <p>23 this time. Do you recall if you were personally</p> <p>24 involved in this investigation?</p> <p>25 A. I don't.</p>

<p style="text-align: right;">Page 86</p> <p>1 Q. And in the course of your position at 2 CNET, you would -- would you have gone out on an 3 investigation like this personally, or is that 4 something that the other officers would do? 5 A. The other guys would handle that, 6 normally. And back then, we were staffed a little 7 better than we are now, and so they had plenty of 8 help probably. 9 Q. Okay. And it looks like it was a traffic 10 stop which yielded seizure of the following 11 contraband, and there's a bullet point list of stuff 12 there. It includes, among other things, heroin, 13 fentanyl, and then also MDMA. And I apologize if I 14 already asked you. I can't recall. What are MDMA 15 capsules? 16 A. Ecstasy. Again -- 17 Q. That's right. 18 A. -- I can't remember the chemical name. 19 Q. I thought we'd already talked about that. 20 All right. 21 In any event, there is no mention of 22 prescription opioids on this list, correct? 23 MS. ABSTON: Objection to form. 24 A. Correct. 25 Q. And in the course of your time at CNET, is</p>	<p style="text-align: right;">Page 88</p> <p>1 went back to full-time Mansfield work and we have 2 him replaced. 3 Q. Okay. And then this document, and I'm on 4 the second page, the original email, there are a 5 number of terms I want to just ask you about. 6 "Deconflicted," we already talked about that, I 7 believe. 8 A. I want to make sure I'm looking at the 9 right place. 10 MS. ABSTON: Hold on a second. Let's make 11 sure we get to the right page. 12 MS. JACOBS: Sure. 13 MS. ABSTON: The second page, let's see, 14 of the document maybe? 15 MS. JACOBS: Yeah, just where it says the 16 email from Jorge to Trace. 17 MS. ABSTON: Okay. And it ends -- Bates 18 number ends in 86? 19 MS. JACOBS: Yes. 20 A. Okay. I'm there. 21 Q. Okay. Just starting at the top of the 22 email, I just am going to ask you about some terms 23 just to make sure I understand what I'm actually 24 reading here. 25 The first one we -- I was going to ask you</p>
<p style="text-align: right;">Page 87</p> <p>1 this sort of typical of a seizure that might take 2 place by your officers or the OCDETF? 3 MS. ABSTON: Objection to form. 4 A. I can't speak to the OCDETF part of it, 5 but yes, this is a pretty common size seizure for my 6 unit. 7 Q. Okay. 8 A. Although not typically traffic stops. 9 They're more typically search warrants of 10 residences. 11 Q. All right. Okay. You can put that 12 document aside, and would ask that you go to Tab 2 13 in the notebook which we will mark as Exhibit 10. 14 (Exhibit 10 marked) 15 Q. And for the record, it's Tarrant_00706085. 16 Again, this is an email, so you may have to look 17 from the bottom up. Actually the second page up. 18 If you just want to take a look and tell me if you 19 recognize this. 20 A. Yes, it does look familiar. 21 Q. Okay. Just have a number of questions 22 here. Who is -- is it Jorge Ramirez? 23 A. George (phonetic). 24 Q. Jorge. Okay. Who is Jorge? 25 A. He was a TFO from Mansfield. He has since</p>	<p style="text-align: right;">Page 89</p> <p>1 about was "deconflicted," but I think we've already 2 covered that. But can you just tell me in terms of 3 this email here what that refers to, make sure we're 4 on the same page? 5 A. Exact same thing. Just whenever our guys 6 call HIDTA and enter in whether it's an address, a 7 phone number, license plate, or a name to see if 8 another agency is working that target. 9 Q. Okay. And when you say "target," that's 10 the alleged criminal, whoever you're looking at? 11 A. It could just be a target address. Could 12 be a target vehicle or whatever. It could be a 13 target phone number. 14 Q. Okay. In this situation looks like it 15 says on a target "Sanchez." Fair to assume that's a 16 person? 17 A. Sounds like a person, yes. 18 Q. All right. "DPS TAG unit," what is that? 19 A. Texas anti-gang. And it's a -- 20 Q. Anti-gang? 21 A. Gang, yes, ma'am. 22 Q. Okay. And "Dallas Intelligence Unit," 23 what is that? 24 A. I'm not exactly sure, to be honest. I 25 remember interacting with this group one time. I</p>

<p style="text-align: right;">Page 90</p> <p>1 don't -- we don't work with Dallas hardly ever, so 2 I'm assuming it's just an intel group, but they may 3 work narcotics. I don't know. 4 Q. All right. And then "Tango Blast" in 5 Dallas, what is that? 6 A. That's a criminal street gang. 7 Q. All right. Okay. And reading this email, 8 it looks like some details are provided, setting up 9 a planned buy between a target and a source. Is 10 that accurate? 11 A. I haven't read this whole thing. Do you 12 want me to read the whole thing real quick? 13 Q. Sure. Go ahead. Take your time. Sorry. 14 A. (Witness complies.) 15 Okay. 16 MR. KRATOVIL: Briefly, I'm going to 17 interject for just a second to note that if this 18 relates to an ongoing operation, we would like to 19 object to any line of questioning related to this. 20 MS. JACOBS: Okay. 21 THE WITNESS: I believe it's closed. 22 MR. KRATOVIL: Okay. Fair enough. 23 Q. And, Trace, while you're at it, you might 24 as well flip back to the first page which is 25 actually the two emails that follow, and they are</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Okay. And that's the fund -- you said 2 imprest fund. Is that the moneys that you have 3 available to conduct buys like this? 4 A. Yes, ma'am. 5 Q. All right. And so it sounds like you say 6 it's atypical in the sense of the dollar amount. 7 But are you, as part of your position, asked to 8 approve buys such as this, whether it's for a 9 thousand dollars or \$3,000, whatever, as part of 10 your job? 11 A. Yes, but it's not done through email. 12 It's done through ops -- well, there normally would 13 be an operational plan sent, and that's how it's 14 normally done, not in a, you know, memo type. You 15 know, there's a lot of details on here that that 16 just doesn't happen very often. 17 Q. Okay. And this looks like this planned 18 buy, this deal, deals with methamphetamine from 19 Mexico. Is that correct? 20 A. Yes. 21 Q. And is this what you would consider a 22 large amount? 23 A. Mid, mid-sized, not really that large. 24 5 kilos isn't -- I mean, we wouldn't turn it away, 25 but that's -- we want bigger than that.</p>
<p style="text-align: right;">Page 91</p> <p>1 very short. You can look at those real quick. 2 A. Okay. 3 Q. Okay. Now, this scenario that you've just 4 read here, is this typical of the types of emails or 5 requests that you may get from your officers 6 regarding planned buys? 7 A. No. 8 Q. Okay. And how is this not typical? 9 A. Because the only reason this all occurred 10 was because the amounts we were going to possibly 11 have to pay for the dope. So anything, you know, 12 significant, over, say, \$5,000 -- I think 13 technically policy does say 7, but I was brand-new 14 to the job. And so that was just giving Chief Bond 15 the information and making sure he was good with us 16 possibly spending that kind of money on dope. 17 But -- 18 Q. Okay. 19 A. -- at that time our imprest fund was not 20 nearly as large as it is today. 21 Q. I'm sorry. What was that last sentence? 22 Your what wasn't as large? 23 A. We didn't have as much imprest fund money 24 back then. So a \$7,000 purchase would have been 25 significant out of our fund.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. All right. Do you remember over the 2 course of your two-plus years now at CNET, have you 3 ever approved any organized buys regarding diverted 4 prescription opioids? 5 A. No. 6 Q. Okay. You can put that document aside and 7 just flip to Tab 3. And we will make that 8 Exhibit 11, please. 9 (Exhibit 11 marked) 10 Q. And if you just want to go ahead and take 11 a look at that. 12 A. (Witness complies.) 13 Okay. 14 Q. Okay. And this is dated November 9th and 15 10th, 2021, because there's a couple of emails here. 16 It looks like this is talking about a potential 17 press release regarding some confiscated narcotics. 18 And this doesn't refer to the planned buy we just 19 spoke of, does it? 20 A. Kind of. My recollection is that all that 21 you read about ended up turning into the 22 192-kilogram seizure you're reading about in this 23 one. 24 Q. Okay. So they could be related. All 25 right.</p>

<p style="text-align: right;">Page 94</p> <p>1 And if you go to approximately the middle 2 of the page, and maybe Bob can blow it up for us, it 3 says, "These operations" -- "These operations 4 resulted in the seizure of approximately 5 451 kilograms of crystal methamphetamine and 6 192 kilograms of liquid methamphetamine or a total 7 of 1,414 pounds. The street value of the narcotics 8 that were seized is approximately," looks like, 9 "\$16 million." 10 Would you consider this to be a large 11 amount of methamphetamine? 12 A. Absolutely. 13 Q. Okay. And there were no diverted 14 prescription opioids seized, correct? 15 A. Not that I recall. 16 MS. JACOBS: All right. You can put that 17 document aside. And we've been going for about an 18 hour again. If you want to take a quick break, and 19 we can go off the record and talk about how we want 20 to proceed. 21 MS. ABSTON: Yeah, let's do that. 22 THE VIDEOGRAPHER: Okay. Current time is 23 12:20 p.m. We're now off the record. 24 (Recess from 12:20 to 12:40) 25 THE VIDEOGRAPHER: Current time is</p>	<p style="text-align: right;">Page 96</p> <p>1 known under, or has it always been in existence 2 since the Eighties? 3 MS. ABSTON: Objection to form. 4 A. I'm not sure. 5 Q. Okay. But it's your understanding that it 6 has been functioning as CNET since about 2017? 7 A. Yes, ma'am. 8 Q. And since that time -- we talked just a 9 little bit earlier about the budget, but let me just 10 ask you generally if you know. Does CNET receive 11 any grants? 12 A. We don't. 13 Q. So -- 14 A. I don't know if they have in the past, but 15 we certainly have not in the last several years. 16 Q. Okay. So since you've been there for -- 17 since 2021, you have not received any grants, 18 correct? 19 A. No, ma'am. 20 Q. Has CNET applied for any grants since you 21 have been there? 22 A. No. 23 Q. And I know you told me earlier about the 24 makeup of CNET in terms of you, the lieutenant, 25 et cetera. How many total employees including</p>
<p style="text-align: right;">Page 95</p> <p>1 12:40 p.m. We're now back on the record. 2 BY MS. JACOBS: 3 Q. All right. Trace, do you have any 4 understanding of what the mission of CNET is? 5 A. I can't quote to you exactly what it says 6 in policy, but it's basically just to identify, 7 disrupt, and dismantle drug trafficking 8 organizations, to assist patrol and other Tarrant 9 County agencies with the investigation of narcotics. 10 Q. Do you know when CNET started? 11 A. So you can get -- you'll get two answers 12 for that. It existed under other names supposedly 13 since the 1980s. Prior to being put under the 14 sheriff's office, it actually was ran under the 15 Tarrant County DA's office. And it was still under 16 Dee Anders- -- now, this is all more or less 17 hearsay, right? I've heard all this. I wasn't here 18 during that time. But before Sheriff Waybourn took 19 office, the DA's office, Sharon Wilson, didn't want 20 to be over the task force anymore and so it was 21 transferred, if you will, to the sheriff's office 22 and it was renamed CNET and formed sometime before 23 2017. I don't know the exact date. 24 Q. Okay. Was there any break in period of 25 time of its existence no matter what name it was</p>	<p style="text-align: right;">Page 97</p> <p>1 administration does CNET currently have? 2 A. I was thinking about this. I want to say 3 14, but if you'll let -- can I work it out in my 4 head right here with you? 5 Q. Yeah, that's fine. 6 A. So there's me, the lieutenant, the 7 sergeant. I've got -- of course, we're not full. 8 We have one vacancy. But currently, right this 9 moment, we have three investigators. We have one 10 vacancy. We have -- so I'm going to go ahead and 11 count that vacancy. Two K-9 handlers, two assigned 12 to federal task forces, and two admins. So I think 13 that's 14. I wasn't -- I don't have enough fingers. 14 Q. Okay. And when you say there's a vacancy, 15 what kind of a vacancy is that? 16 A. I have an investigator opening that I 17 haven't been able to fill since I've been there. 18 We've been running with three instead of four. 19 Well, and I say that. I do have an investigator 20 that he is an investigator, but he really just does 21 asset forfeiture, but he would be -- he would count 22 as an investigator. So that would be the five there 23 at the office, two out at the fed task forces, if we 24 were full. 25 Q. Okay. So that investigator that's vacant,</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 would that be somebody from the Tarrant County 2 Sheriff's Department, or would that be one of the 3 TFOs? 4 A. No, that's somebody that works for the 5 sheriff's office. And I'm not including the 6 Mansfield guy. That would be, you know, in addition 7 to. 8 Q. Okay. That was going to be my next 9 question. So what you've just laid out are the 10 individuals that are funded by Tarrant County 11 Sheriff's Office. Is that correct? 12 A. Yes, ma'am. 13 Q. Okay. So -- and then right now you 14 currently have the one TFO? 15 A. Yes, ma'am. 16 Q. All right. Since you've been there in the 17 past two years, what is the highest number of TFOs 18 you've had? 19 A. One and a half, sadly. 20 Q. Okay. 21 A. We had a part-timer from River Oaks, and 22 then we've -- Mansfield has always been a good 23 partner for us. 24 Q. Okay. Do you know how many they had at 25 their highest number before you were part of CNET?</p>	<p style="text-align: right;">Page 100</p> <p>1 A. No. 2 Q. Okay. 3 A. And I will add this. Patrol obviously 4 initiates a lot of cases for us. Like they get a 5 traffic stop, they get drugs in the car, the person 6 wants to work, CNET gets involved. So, you know, in 7 that way, yes, but not a dedicated narcotics unit. 8 We are the unit for that. 9 Q. Okay. All right. Next, if you can go 10 back to your notebook, and I will refer you to, 11 please, Tab 4. And I believe that will be 12 Exhibit 12. 13 (Exhibit 12 marked) 14 Q. Are you there? 15 A. Yes, ma'am. 16 Q. Okay. Do you recognize this? 17 A. I do. 18 Q. What is it? 19 A. It's just our monthly and quarterly 20 activity report, stat sheet. 21 Q. Okay. And so is this something that 22 CNET -- at first glance it looks like maybe 23 something that you prepare quarterly, but you 24 mentioned monthly. How often is this prepared? 25 A. It's done every month.</p>
<p style="text-align: right;">Page 99</p> <p>1 MS. ABSTON: Objection, form. 2 A. It would be a guess, but I'm going to say 3 around five. 4 Q. Okay. Ideally, the way I understand -- or 5 let me start over. The way I understand CNET works, 6 there are opportunities for a TFO to come from the 7 various departments in your area. So ideally, how 8 many officer -- how many TFOs would you have working 9 at CNET? 10 A. I would like to fill every desk in the 11 office. So right now, because human trafficking has 12 moved in, I've got room for five and I would love to 13 have five. 14 Q. Okay. And obviously some departments are 15 not participating in CNET right now. Do you have 16 any understanding why they are not participating? 17 A. They -- all -- I've met with the majority 18 of the police chiefs in Tarrant County, and most 19 have said that whenever they get their staffing to a 20 certain percentage, they would love to participate. 21 Q. Okay. Now, at the Tarrant County 22 Sheriff's Office, outside of CNET, I know we went 23 through all the different divisions at the sheriff's 24 department. Are there any other departments that 25 are dedicated to handling narcotics?</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. Okay. Is there anywhere on here that I 2 can see if this is a monthly report, or is this a 3 summary of the monthly reports made quarterly? 4 A. I don't know -- so whenever I ask for -- 5 I ask for this every month so that whenever I go to 6 the staff meeting on the first Wednesday of the 7 month, I ask for this document from my admin. And 8 it will show -- it's a different form of this. I 9 don't know actually that I've seen it in this exact 10 form, but I think that all the data is the same. 11 This is just a true quarterly one. 12 Q. Okay. Is there any way by looking at this 13 to tell how far this goes, is this -- which quarter 14 this goes through? 15 A. It appears, based on there's no data for 16 the fourth quarter, so just through the end of 17 the -- I don't know when this was printed. I have 18 no idea. So in this form, I can't tell you. 19 Q. Okay. Because I would agree with you that 20 on the first page, it looks like there's no data for 21 the fourth quarter. And on the second page, it 22 looks like there's no data for the fourth quarter. 23 But then when you go to the third page, it looks 24 like there is a little bit of -- a couple cells 25 filled in with some data for the fourth quarter.</p>

<p style="text-align: right;">Page 102</p> <p>1 Do you see that?</p> <p>2 A. I do, and I'm not sure why. I didn't</p> <p>3 prepare this.</p> <p>4 Q. Okay. I understand. But based on what</p> <p>5 you do see, does it look like this is at least</p> <p>6 current -- or not current, but at least goes through</p> <p>7 the third quarter?</p> <p>8 A. I would say that's accurate.</p> <p>9 Q. Okay. Now, I'm going to -- if you can</p> <p>10 flip back to the first page of it again. And where</p> <p>11 it says -- the first section at the top, it's</p> <p>12 headed -- the heading is "Participating Agencies</p> <p>13 and Personnel."</p> <p>14 A. Yes.</p> <p>15 Q. You see that?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Okay. And there is a section that says</p> <p>18 "TCSO Investigators," and it lists five. And would</p> <p>19 that be the individuals that we just spoke of that</p> <p>20 are employees of the sheriff's office?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And obviously the same with the</p> <p>23 K-9s. And then I see at the bottom where it's the</p> <p>24 Mansfield investigator is noted. But then at the</p> <p>25 top, there's a section that says "TCDA</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. All right. Well, we'll work with what we</p> <p>2 have here now that shows the number eight that I</p> <p>3 just reflected to you.</p> <p>4 If you go down to the second section of</p> <p>5 the chart, it says "Narcotic Investigators</p> <p>6 Activity." And if you look where it says "Full-time</p> <p>7 Investigators" -- and again, I'm just looking at</p> <p>8 first quarter just so I can understand the chart.</p> <p>9 A. Okay.</p> <p>10 Q. It says eight. So is that eight, is that</p> <p>11 referring to the total of investigators from above?</p> <p>12 A. Let's see. Five, six, seven -- yeah,</p> <p>13 she's counting K-9s and everything in that.</p> <p>14 Q. Okay. And then looking at "New Cases</p> <p>15 Assigned," it says for the first quarter 69, for the</p> <p>16 second quarter 45, for the third quarter 74. And</p> <p>17 that would be exactly what it says, cases that you</p> <p>18 guys were assigned and worked on during that</p> <p>19 quarter?</p> <p>20 A. Correct.</p> <p>21 Q. And understanding the way the criminal</p> <p>22 justice system works, where it goes down below and</p> <p>23 it says "Cases Closed," first quarter it says 87 --</p> <p>24 I think that says 87, yeah -- and second quarter 63,</p> <p>25 third quarter 62, obviously you might handle a case</p>
<p style="text-align: right;">Page 103</p> <p>1 Investigators." And there's a zero there, but what</p> <p>2 does that refer to?</p> <p>3 A. Tarrant County DA's office. And they --</p> <p>4 prior to my being in the office or in the unit,</p> <p>5 there used to be -- and I don't recall his name, but</p> <p>6 there was an individual who worked over there with</p> <p>7 us doing the same thing as my guy who does the asset</p> <p>8 forfeiture stuff. And he retired, and the other guy</p> <p>9 was hired prior to my arrival.</p> <p>10 Q. Okay. So if we add up at the top here</p> <p>11 participating agencies and personnel. And just --</p> <p>12 I'm just trying to understand what this means. So</p> <p>13 let's just look at the first quarter for now. It</p> <p>14 looks like there are five TCSO investigators, two</p> <p>15 K-9s, and the one Mansfield investigator, so for a</p> <p>16 total of eight. Correct?</p> <p>17 A. That appears to be what it's saying, but I</p> <p>18 don't know of a time that we've ever had six since</p> <p>19 I've been there.</p> <p>20 Q. Okay.</p> <p>21 A. Unless she's counting the fed guys, which</p> <p>22 I don't know, to be honest, if she -- I don't think</p> <p>23 she normally counts them.</p> <p>24 Q. Okay.</p> <p>25 A. I would love to have six though.</p>	<p style="text-align: right;">Page 105</p> <p>1 in a quarter that isn't closed till a later quarter,</p> <p>2 and that's why those numbers are different, correct?</p> <p>3 A. That would be correct.</p> <p>4 Q. All right. Okay. If you can go to the</p> <p>5 last page on the same document.</p> <p>6 A. Ending in 101?</p> <p>7 Q. Yes. And I'm sorry. It starts on the</p> <p>8 bottom of page 100. The heading starts below, on</p> <p>9 the bottom of page 100. It says, "Commonly Abused</p> <p>10 Pharmaceuticals." And then go to the next page.</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Okay. Are you able to tell me which of</p> <p>13 these are opioids?</p> <p>14 A. Well, I think -- you know, I don't know</p> <p>15 all of --</p> <p>16 MS. ABSTON: Wait. Objection to form.</p> <p>17 Go ahead.</p> <p>18 A. I can take a guess. I mean, some I</p> <p>19 absolutely know. Some I don't. You know,</p> <p>20 alprazolam, I think that's an opioid. All -- I</p> <p>21 think all the "pams" are. Hydrocodone for sure.</p> <p>22 Tramadol is not. Lorazepam, I think, is. Oxycodone</p> <p>23 is. Codeine I'm pretty sure is. That's my guesses</p> <p>24 at it. And I didn't look up the chemical makeup of</p> <p>25 any of these, so I don't know. I would not say that</p>

<p style="text-align: right;">Page 106</p> <p>1 pharmaceutical things are my expertise by any means.</p> <p>2 Q. Okay. And it looks like, if you flip back</p> <p>3 to the page before, it looks like just in terms of</p> <p>4 dollar amounts and amounts seized, it looks like</p> <p>5 you're dealing with more, again, of the marijuana</p> <p>6 and -- sorry, I can't read -- and fentanyl. Is that</p> <p>7 correct?</p> <p>8 MS. ABSTON: Objection to form.</p> <p>9 A. There is definitely more marijuana.</p> <p>10 Fentanyl still is a pretty low amount compared to</p> <p>11 the other drugs.</p> <p>12 Q. Okay. And I missed at the top, of course,</p> <p>13 methamphetamine and cocaine and heroin, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Okay. You can put that document</p> <p>16 aside. And just to finish that off, you don't need</p> <p>17 to get the document back out, but are those activity</p> <p>18 reports still something that are prepared then in</p> <p>19 your office that you use?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. All right.</p> <p>22 A. And I look at them a lot closer now</p> <p>23 because I do the briefings at the monthly staff</p> <p>24 meeting.</p> <p>25 Q. Okay. Okay. If you will go to looks like</p>	<p style="text-align: right;">Page 108</p> <p>1 A. I do.</p> <p>2 Q. Okay. What is it?</p> <p>3 A. This is the note, kind of notes, if you</p> <p>4 will, that I type up on a monthly basis to go talk</p> <p>5 to the command staff about what we did. And I get</p> <p>6 this information directly from the stat sheet which</p> <p>7 you've already seen.</p> <p>8 Q. Okay. And command staff, who is that?</p> <p>9 A. All the chiefs and captains and directors.</p> <p>10 Q. The -- when you say chiefs, captains, and</p> <p>11 directors, are you meaning in the county or just the</p> <p>12 sheriff's --</p> <p>13 A. Tarrant County Sheriff's Office.</p> <p>14 Q. Okay.</p> <p>15 A. Command staff. They -- the commands --</p> <p>16 the chiefs, one stars, two stars, three stars, and</p> <p>17 the sheriff meet every Wednesday. The first</p> <p>18 Wednesday of every month the commanders, directors,</p> <p>19 and captains are required to attend as well.</p> <p>20 Q. Okay. So on the first Wednesday of every</p> <p>21 month, you would attend that meeting and take with</p> <p>22 you a report like this? Is that correct?</p> <p>23 A. Yes. And it's not -- I don't -- I don't</p> <p>24 generally give it away. It's just for me to be able</p> <p>25 to read to the group.</p>
<p style="text-align: right;">Page 107</p> <p>1 Tab 10, and we'll mark that as Exhibit 13.</p> <p>2 (Exhibit 13 marked)</p> <p>3 Q. And do you recognize this document?</p> <p>4 A. Not --</p> <p>5 MS. ABSTON: Take your time and look</p> <p>6 through the whole document.</p> <p>7 A. Yeah, not yet. I'm sorry.</p> <p>8 Q. That's fine.</p> <p>9 A. (Witness reviews document.)</p> <p>10 MS. ABSTON: Can we go off the record for</p> <p>11 a moment?</p> <p>12 MS. JACOBS: Yes.</p> <p>13 MS. ABSTON: Thank you.</p> <p>14 THE VIDEOGRAPHER: Current time is</p> <p>15 12:58 p.m. We're off the record.</p> <p>16 (Off record from 12:58 to 1:05)</p> <p>17 THE VIDEOGRAPHER: Current time is</p> <p>18 1:05 p.m. We're now back on the record.</p> <p>19 BY MS. JACOBS:</p> <p>20 Q. Okay, Commander, after that short break</p> <p>21 let's move on for now to another document. And if</p> <p>22 you could just flip to Tab 6 in the notebook, and it</p> <p>23 will be marked as Exhibit 14.</p> <p>24 (Exhibit 14 marked)</p> <p>25 Q. And do you recognize this?</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. Okay. And are the numbers on the left</p> <p>2 side, for example, "2-5," is that a date?</p> <p>3 A. Yes, which I don't even do that anymore.</p> <p>4 I've started to just do totals. All I'll do is say</p> <p>5 during this month we seized X amounts of these</p> <p>6 drugs, this much money, this many arrests, open</p> <p>7 cases. I don't -- I don't know why. I just kind of</p> <p>8 morphed away from doing it like this.</p> <p>9 Q. Okay. And I will direct your attention</p> <p>10 down to the one that says "2-11." And it says, "UC</p> <p>11 buy/walk Soria of 1000 M30s and 4 hydrocodone</p> <p>12 (Soria). CI buy/walk (Cooke) 1 ounce of cocaine."</p> <p>13 A. Yes.</p> <p>14 Q. Do you see that? Can you tell me what</p> <p>15 that all means?</p> <p>16 A. It means that Investigator Soria, which I</p> <p>17 don't think we're supposed to be talking names --</p> <p>18 MS. ABSTON: Do we want to go off the</p> <p>19 record for a moment?</p> <p>20 A. He's leaving the unit, so if y'all are --</p> <p>21 and the other guy's already gone. So you tell me.</p> <p>22 MS. ABSTON: Let's just take a five-minute</p> <p>23 break really quick just to confirm.</p> <p>24 MS. JACOBS: Okay.</p> <p>25 THE VIDEOGRAPHER: Current time is</p>

<p style="text-align: right;">Page 110</p> <p>1 1:08 p.m. We're off the record. 2 (Recess from 1:08 to 1:13) 3 THE VIDEOGRAPHER: Current time is 4 1:13 p.m. We're now back on the record. 5 MS. ABSTON: Okay. So as to Defense 6 Exhibit 13 and Defense Exhibit 14, both of those 7 pertain to ongoing law enforcement endeavors and 8 ongoing law enforcement measures, so we reserve the 9 right to issue a clawback and we will not be 10 discussing any of those exhibits today. 11 MS. JACOBS: Okay. And, Alex, I 12 understand. Thank you for getting back to us so 13 quickly on that and confirming, and we'll just 14 reserve all objections and potential questioning 15 later if it becomes necessary. 16 MS. ABSTON: Thank you. 17 BY MS. JACOBS: 18 Q. Okay. Let me just take a look here and 19 get organized. Okay. I don't think we're going to 20 have any problems with the next couple here, but 21 let's take a look. Tab 14. And if you could just 22 when you get there, we'll mark this as Exhibit 15. 23 (Exhibit 15 marked) 24 Q. And actually, while you look, if you could 25 go ahead and look at Tabs 14, 15, and 16. And</p>	<p style="text-align: right;">Page 112</p> <p>1 if both Tab 15 and 16 go with Tab 14. 2 A. The -- 3 MS. ABSTON: Do you want to pull them out? 4 We can get them out. 5 A. No, I've looked at them pretty good. The 6 only -- the only thing that makes me -- so it was 7 sent -- sent on the 22nd. I don't think this is 8 right because it would have been 2020 -- this is -- 9 MS. ABSTON: Is that the name of one of 10 these attachments maybe? 11 THE WITNESS: Maybe. 12 MS. ABSTON: Maybe, because that says 2022 13 though. You're right. 14 A. So if this one -- if this email was sent 15 in January 2022, it would have to be talking about 16 2021 stats. So -- and this overdose report just has 17 the first, second, and third quarter. 18 So maybe that's a typo on my part that 19 should have been 2021 on the top. I find it hard 20 that I would have done that. But if it was sent 21 with this email -- oh, I bet I know why I did it, 22 because it was already 2022 even though it was 23 talking about 2021. So I bet that -- so I'm going 24 to say yes, it does belong there. It just actually 25 for some knuckleheaded reason I put 2022 instead of</p>
<p style="text-align: right;">Page 111</p> <p>1 they're each just a couple documents. And tell me 2 after you look at them if they all go together, go 3 with that email actually. 4 MS. ABSTON: Okay. I just want to put on 5 record, I believe that Tab 16 doesn't have a Bates 6 number on it. 7 MS. JACOBS: Correct. That's the way we 8 received it, and that's why I wanted -- if he could 9 tell by looking at Tab 14, 15, if it looks like 16 10 goes with that email. 11 MS. ABSTON: Thank you. 12 A. This is weird. So you got that, a blank 13 page, and then -- okay. So -- 14 MS. ABSTON: Just to clarify, Diana, 15 you're meaning he's trying to detect if these were 16 attached to the document that you're referring to in 17 Tab 14? 18 MS. JACOBS: Yeah. Just to be clear, 19 Tab 14 is an email that it looks like was authored 20 by Trace McDonald. And Tab 15 is a Bates number 21 that follows in succession Tab 14. So it's probably 22 likely that one goes with it. 23 And then Tab 16, this is the way we 24 received it, with no Bates number. And I just want 25 to know if he can tell, since he authored the email,</p>	<p style="text-align: right;">Page 113</p> <p>1 2021 on the title. 2 Q. Okay. I understand. All right. If you 3 go back to the first -- the email, sorry, which was 4 Tab 14, and look down at the bottom. You say, 5 "Chief, Please see attached stats for the annual 6 report." And then you go on to say, "Also, I 7 included the major drugs rather than clouding up the 8 document with all the smaller obscure drugs without 9 significant weight." Do you see that? 10 A. I do. 11 Q. Okay. All right. Now, if we go to 12 Tab 15, I think you've already said that you 13 prepared this, correct? 14 A. Yes. 15 Q. Okay. All right. And looks like there 16 were a total of 240 cases. And for purposes of this 17 question, we'll assume that this is referring to 18 2021, correct? 19 A. Yes, ma'am. 20 Q. All right. There's no mention on here of 21 any prescription opioids being seized. Is that 22 correct? 23 A. Yes, by design. 24 Q. Okay. Can you explain that? 25 A. Like I said in the email to the chief,</p>

<p style="text-align: right;">Page 114</p> <p>1 it's just such a small amount of those drugs that 2 it's not worth mentioning, in my opinion. 3 Q. Okay. And again, assuming this document 4 is referring to 2021 statistics, it looks like the 5 main drugs were, again, methamphetamine, marijuana, 6 fentanyl, heroin, cocaine. Is that correct? 7 A. Yes, ma'am. 8 Q. Okay. You can put that document aside. 9 Now, Tab -- I'm sorry. Go back to the 10 Tab 16, the graph, the overdose deaths in Tarrant 11 County. This one is -- this one should be in color? 12 A. This one is -- yes, ma'am, it is in color. 13 MS. JACOBS: Okay. Maybe if Bob could put 14 that up on the screen for my benefit because the one 15 in my notebook's really small, so -- thank you. 16 Q. Okay. Is this something that you would 17 have prepared, or did somebody else prepare this? 18 A. Sergeant Rodriguez would have prepared 19 this with information that he got from the medical 20 examiner's office. I should probably clarify 21 something if you'd give me a moment. 22 Q. Yes. 23 A. Okay. So whenever you see this, the 24 overdose deaths in Tarrant County, keep in mind that 25 the Tarrant County Sheriff's Office, while we have</p>	<p style="text-align: right;">Page 116</p> <p>1 include the ones that the sheriff's office took part 2 in but also includes all others, correct? 3 MS. ABSTON: Objection, form. 4 You can answer. 5 A. Yes. 6 Q. Okay. And again, we have fentanyl 7 highlighted on here, correct? 8 A. Yes, ma'am. 9 Q. As its own category. And then the 10 other -- the blue is just labeled "OD Deaths." 11 And do you know what that includes? 12 A. I don't. 13 Q. Okay. Okay. Now you can put that aside. 14 Thank you. 15 CONCIERGE: Were we marking 15 and 16, 16 Tab 15 and 16? 17 MS. JACOBS: You can mark those with 18 whatever the exhibit was that we said, Exhibit -- 19 CONCIERGE: 14A and -- it's 14A and B. 20 MS. JACOBS: I'm sorry. Was it a -- yeah, 21 my exhibits got messed up because we skipped one 22 there. So should be -- was it Exhibit 14 would be 23 Tabs 14, 15, and 16 collectively? 24 CONCIERGE: Sorry. Yeah, Tab 14 was 25 Exhibit 15, what I have.</p>
<p style="text-align: right;">Page 115</p> <p>1 countywide jurisdiction, our law enforcement 2 response is mostly limited to the unincorporated 3 areas of Tarrant County, which, to be honest, are 4 really small. We have a small area up in the 5 northern Tarrant County, small area in southern 6 Tarrant County. And then, you know, of course 7 there's everything in the middle which is your 8 Arlington, your Fort Worth, the mid-cities, all 9 those. 10 So whenever you see this report, this data 11 came from the Tarrant County ME's office which is 12 going to include ODs from all these other 13 jurisdictions that we had no investigative part in. 14 I just wanted to make that clear to you. So even 15 though there might have been, you know, 24 OD deaths 16 in third quarter 2021, that by no means means that 17 the Tarrant County Sheriff's Office was involved in 18 any of them. 19 Q. Okay. 20 A. That make sense? 21 Q. Yes, it does. So this, though, is a 22 fair -- to the extent you know, this is an accurate 23 representation of data that comes from the ME's 24 office of the total overdose deaths in Tarrant 25 County, which might include the ones -- which should</p>	<p style="text-align: right;">Page 117</p> <p>1 MS. ABSTON: Yeah, because even though you 2 marked Exhibit 13 and Exhibit 14, but we're going to 3 take those off the record at the end. 4 MS. JACOBS: Okay. 5 MS. ABSTON: So when you say the Tab 14 is 6 now Exhibit 15, Tab 15 is Exhibit 16, and Tab 16 is 7 Exhibit 17? Is that right? 8 MS. JACOBS: Well, since he has confirmed 9 that those should all go together, I would like them 10 to just be one exhibit. 11 MS. ABSTON: Okay. That's fine. So all 12 of them are going to be marked as Exhibit 15? 13 MS. JACOBS: Yes. 14 Q. Okay. I do not have a document to show 15 you about this. I just want to ask you if you are 16 familiar with a pill mill investigation and 17 prosecution known as Operation Wasted Daze, as in 18 D-A-Z-E. 19 A. I'm not -- that doesn't ring a bell to me. 20 Q. Okay. All right. I have some just 21 general questions, and I think for now we're done 22 with documents. Commander, over your long career in 23 law enforcement, do you ever recall participating in 24 a law enforcement action relating to a pharmacy or 25 pharmacist?</p>

<p style="text-align: right;">Page 118</p> <p>1 A. Are you finished?</p> <p>2 Q. Yes, sir.</p> <p>3 A. I don't guess I necessarily under- -- I</p> <p>4 mean, as we've spoken earlier, yes, I have talked to</p> <p>5 pharmacists on the investigations back in 2003.</p> <p>6 Q. Right. But other as talking to a pharmacy</p> <p>7 or pharmacist as what I'm just going to phrase for</p> <p>8 our purposes as a cooperating entity or witness in</p> <p>9 your investigation, have you ever participated in</p> <p>10 any law enforcement action which would relate to or</p> <p>11 maybe target a pharmacy or pharmacist?</p> <p>12 MS. ABSTON: Objection to form.</p> <p>13 A. I don't recall one, no.</p> <p>14 Q. Okay. And along the same lines, over your</p> <p>15 long career in law enforcement, do you ever recall</p> <p>16 you or anyone that you worked with responding to</p> <p>17 investigate a pharmacy or pharmacist for any</p> <p>18 wrongdoing relative to the dispensing of</p> <p>19 prescription medications?</p> <p>20 MS. ABSTON: Objection, form.</p> <p>21 A. I don't recall any.</p> <p>22 Q. And again, other than a couple instances</p> <p>23 where you talked to a pharmacy or pharmacist as a --</p> <p>24 as part of an investigation into something else, do</p> <p>25 you have any information to offer relative to any</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. Do you have any information to provide in</p> <p>2 this case relative to any effect of prescription</p> <p>3 opioids on Tarrant County's citizens or the county's</p> <p>4 budget?</p> <p>5 A. I guess I'm getting tired. Can you say</p> <p>6 that one more time?</p> <p>7 Q. Sure.</p> <p>8 A. I'm trying to hear every word you're</p> <p>9 saying, and I'm having to close my eyes to do it.</p> <p>10 Q. We're getting close to the end, so I</p> <p>11 understand.</p> <p>12 Do you have any information to provide in</p> <p>13 this case relative to any effect of prescription</p> <p>14 opioids on Tarrant County's citizens or the county's</p> <p>15 budget?</p> <p>16 A. I don't.</p> <p>17 MS. JACOBS: All right. Alex, if we could</p> <p>18 just take maybe ten minutes, and we can probably</p> <p>19 wrap up shortly after that.</p> <p>20 MS. ABSTON: Yes, sounds good.</p> <p>21 MS. JACOBS: Thank you.</p> <p>22 THE VIDEOGRAPHER: Current time is</p> <p>23 1:28 p.m. We're off the record.</p> <p>24 (Recess from 1:28 to 1:35)</p> <p>25 THE VIDEOGRAPHER: Current time is</p>
<p style="text-align: right;">Page 119</p> <p>1 investigation or any law enforcement response in any</p> <p>2 aspect with regards to a pharmacy or pharmacist?</p> <p>3 A. Not that I can recall.</p> <p>4 Q. And as we sit here today, you don't have</p> <p>5 any information to indicate that any pharmacy that's</p> <p>6 a defendant in this case was involved in</p> <p>7 participating in any kind of diversion?</p> <p>8 A. I don't.</p> <p>9 Q. Do you ever recall a time when an</p> <p>10 operation or effort was proposed by CNET or the</p> <p>11 Tarrant County Sheriff's Office relative to</p> <p>12 prescription opioids?</p> <p>13 A. Prescript- --</p> <p>14 MS. ABSTON: Objection to form.</p> <p>15 A. No, I don't recall any -- ever targeting</p> <p>16 those in my last two years.</p> <p>17 Q. Okay. Do you have any information to</p> <p>18 provide as we sit here today whether Tarrant County</p> <p>19 has faced a prescription opioid medication problem?</p> <p>20 A. Could you say that one more time?</p> <p>21 Q. Sure. As we're sitting here today, do you</p> <p>22 have any information to provide in this case as to</p> <p>23 whether Tarrant County has faced a prescription</p> <p>24 opioid medication problem?</p> <p>25 A. I have no personal information, no, ma'am.</p>	<p style="text-align: right;">Page 121</p> <p>1 1:35 p.m. We're now back on the record.</p> <p>2 BY MS. JACOBS:</p> <p>3 Q. Commander, I certainly appreciate your</p> <p>4 time today, and I think I just have a couple more</p> <p>5 questions just to wrap up here.</p> <p>6 Do you have any knowledge at all of the</p> <p>7 county's allegations against the pharmacies in this</p> <p>8 case?</p> <p>9 A. No, ma'am.</p> <p>10 Q. And do you have any knowledge as to</p> <p>11 whether the county's allegations against the</p> <p>12 pharmacies in this case are accurate?</p> <p>13 A. I do not.</p> <p>14 MS. JACOBS: All right. I do not have any</p> <p>15 other questions right now. I will reserve my right</p> <p>16 to ask other questions depending on whether anyone</p> <p>17 else has questions.</p> <p>18 MS. STEWART: This is Allison Stewart, and</p> <p>19 I do not have any other questions at this time.</p> <p>20 THE WITNESS: Allison, bless your heart.</p> <p>21 MS. STEWART: Diana asked all the good</p> <p>22 questions.</p> <p>23 MS. ABSTON: Okay. I don't think that the</p> <p>24 plaintiffs have any further questions today other</p> <p>25 than we've put our objections on the record about</p>

<p style="text-align: right;">Page 122</p> <p>1 some of the exhibits. And thank you for giving us</p> <p>2 time to check on some of those ongoing</p> <p>3 investigations and being amenable for us to take a</p> <p>4 moment to check on those, unless Mark has anything.</p> <p>5 Mark, do you have anything?</p> <p>6 MR. KRATOVIL: I do not.</p> <p>7 MS. ABSTON: Okay. So we just want to</p> <p>8 thank you so much today for your time, and we</p> <p>9 appreciate it, and your service to Tarrant County.</p> <p>10 THE WITNESS: Absolutely.</p> <p>11 MS. ABSTON: And we'll reserve everything</p> <p>12 else for reading and signing.</p> <p>13 MS. JACOBS: Thank you, Commander.</p> <p>14 THE WITNESS: Thank you. Y'all have a</p> <p>15 good rest of your day.</p> <p>16 MS. ABSTON: Thank you. You too.</p> <p>17 THE VIDEOGRAPHER: Current is time</p> <p>18 1:37 p.m. We're off the record.</p> <p>19</p> <p>20 (Deposition concluded at 1:37 p.m. CDT)</p> <p>21 -oOo-</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 124</p> <p>1 party before the completion of the deposition.</p> <p>2 I further certify that I am neither</p> <p>3 counsel for, related to, nor employed by any of the</p> <p>4 parties in or counsel to this action, nor am I</p> <p>5 financially or otherwise interested in the outcome</p> <p>6 of this action.</p> <p>7 Certified to by me this 12th day of July,</p> <p>8 2023.</p> <p>9</p> <p>10</p> <p>11 <i>Karen L. Shelton</i></p> <p>12 Karen L. Shelton, CSR, RDR, CRR</p> <p>13 TX CSR 7050 Exp: 10/31/23</p> <p>14 Veritext Legal Solutions</p> <p>15 Firm No. 571</p> <p>16 300 Throckmorton Street</p> <p>17 Suite 1600</p> <p>18 Fort Worth, Texas 76102</p> <p>19 (817) 336-3042 (800) 336-4000</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 123</p> <p>1 IN THE UNITED STATES DISTRICT COURT FOR THE</p> <p>2 NORTHERN DISTRICT OF OHIO</p> <p>3 EASTERN DIVISION</p> <p>4 IN RE NATIONAL PRESCRIPTION)</p> <p>5 OPIATE LITIGATION)</p> <p>6) MDL No. 2804</p> <p>7)</p> <p>8 This Document Relates To:) Case No. 17-md-2804</p> <p>9 Track Nine: Tarrant County,)</p> <p>10 Texas)</p> <p>11)</p> <p>12 (Case No. 1:18-op-45274-DAP))</p> <p>13)</p> <p>14</p> <p>15 REPORTER'S CERTIFICATE</p> <p>16 REMOTE VIDEOTAPED DEPOSITION OF</p> <p>17 TRACE McDONALD</p> <p>18 JUNE 28, 2023</p> <p>19 I, KAREN L. SHELTON, a Certified Shorthand</p> <p>20 Reporter in and for the State of Texas, hereby</p> <p>21 certify to the following:</p> <p>22 That the witness, TRACE McDONALD, was duly</p> <p>23 sworn by the officer and that the transcript of the</p> <p>24 oral deposition is a true record of the testimony</p> <p>25 given by the witness;</p> <p>26 I further certify that pursuant to FRCP</p> <p>27 Rule 30(e) that the signature by the deponent:</p> <p>28 <u> X </u> was requested by the deponent or a</p> <p>29 party before the completion of the deposition and is</p> <p>30 to be returned within 30 days from date of receipt</p> <p>31 of the transcript. If returned, the attached Errata</p> <p>32 contains any changes and the reasons therefor;</p> <p>33 <u> </u> was not requested by the deponent or a</p>	<p style="text-align: right;">Page 125</p> <p>1 Veritext Legal Solutions</p> <p>2 1100 Superior Ave</p> <p>3 Suite 1820</p> <p>4 Cleveland, Ohio 44114</p> <p>5 Phone: 216-523-1313</p> <p>6</p> <p>7 July 14, 2023</p> <p>8 To: ALEX ABSTON</p> <p>9</p> <p>10 Case Name: National Prescription Opiate Litigation - Track 9 (Tarrant</p> <p>11 County) v.</p> <p>12 Veritext Reference Number: 5989037</p> <p>13 Witness: Trace McDonald Deposition Date: 6/28/2023</p> <p>14</p> <p>15 Dear Sir/Madam:</p> <p>16</p> <p>17 Enclosed please find a deposition transcript. Please have the witness</p> <p>18 review the transcript and note any changes or corrections on the</p> <p>19 included errata sheet, indicating the page, line number, change, and</p> <p>20 the reason for the change. Have the witness' signature notarized and</p> <p>21 forward the completed page(s) back to us at the Production address</p> <p>22 shown</p> <p>23 above, or email to production-midwest@veritext.com.</p> <p>24</p> <p>25 If the errata is not returned within thirty days of your receipt of</p> <p>26 this letter, the reading and signing will be deemed waived.</p> <p>27</p> <p>28 Sincerely,</p> <p>29</p> <p>30 Production Department</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35 NO NOTARY REQUIRED IN CA</p>

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<p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 5989037 CASE NAME: National Prescription Opiate Litigation - Track 9 (Tarrant County) v. DATE OF DEPOSITION: 6/28/2023 WITNESS' NAME: Trace McDonald In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me. I have made no changes to the testimony as transcribed by the court reporter.</p> <p>8</p> <p>9 _____ Date Trace McDonald Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:</p> <p>12 They have read the transcript; 13 They signed the foregoing Sworn Statement; and 14 Their execution of this Statement is of their free act and deed.</p> <p>15 I have affixed my name and official seal 16 this _____ day of _____, 20____. 17 _____ 18 Notary Public 19 _____ Commission Expiration Date</p> <p>20 21 22 23 24 25</p>	<p>1 ERRATA SHEET VERITEXT LEGAL SOLUTIONS MIDWEST ASSIGNMENT NO: 5989037</p> <p>2 PAGE/LINE(S) / CHANGE /REASON</p> <p>3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____</p> <p>20 _____ Date Trace McDonald 21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ 22 DAY OF _____, 20____. 23 _____ Notary Public 24 _____ Commission Expiration Date</p> <p>25</p>
<p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>2</p> <p>3 ASSIGNMENT REFERENCE NO: 5989037 CASE NAME: National Prescription Opiate Litigation - Track 9 (Tarrant County) v. DATE OF DEPOSITION: 6/28/2023 WITNESS' NAME: Trace McDonald In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me. I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s). I request that these changes be entered as part of the record of my testimony.</p> <p>10 I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.</p> <p>13 _____ Date Trace McDonald 14</p> <p>15 Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:</p> <p>17 They have read the transcript; They have listed all of their corrections in the appended Errata Sheet; They signed the foregoing Sworn Statement; and Their execution of this Statement is of their free act and deed. I have affixed my name and official seal 22 this _____ day of _____, 20____. 23 _____ Notary Public 24 _____ Commission Expiration Date</p> <p>25</p>	<p>33 (Pages 126 - 128)</p>